ONE HUNDRED THIRTY-FIRST LEGISLATURE
SECOND REGULAR SESSION
37th Legislative Day
Thursday, April 11, 2024

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

Prayer by Reverend Zebulon Green, North Yarmouth Congregational Church.

National Anthem by David Myers-Wakeman, North Yarmouth.

Pledge of Allegiance.

Medical Provider of the Day, Ethan Evankow, PA-C, Portland.

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

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The Journal of yesterday was read and approved.

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The SPEAKER: As Speaker of the House, it is my obligation to ensure that the Rules of the House of Representatives, adopted pursuant to the Constitution of Maine, are followed, to assist in carrying out our shared responsibilities.

Under House Rule 401, Section 11, it is the Ruling of the Chair that two Members, Representative Lemelin and Representative Rudnicki, were found to be in breach of the Rules. "When any member is guilty of a breach of any of the rules and orders of the House and the House has determined that the member has violated a rule of order, that member may not be allowed to vote or speak, unless by way of excuse for the breach, until the member has made satisfaction." These Members and their Leaders have been made aware of this Ruling via a formal communication. The House of Representatives awaits an assurance and an issuance of a formal apology, to be read on the House Floor, to make satisfaction.

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

**ORDERS**

On motion of Speaker TALBOT ROSS of Portland, the following House Resolution: (H.R. 2)

**HOUSE RESOLUTION RELATING TO THE CENSURE OF REPRESENTATIVE SHELLEY RUDNICKI OF FAIRFIELD BY THE MAINE HOUSE OF REPRESENTATIVES**

WHEREAS, on April 10, 2024, Representative Shelley Rudnicki of Fairfield, having observed Representative Michael H. Lemelin's being repeatedly warned by the Chair that his actions and speech were in danger of violating the decorum of the House, chose to endorse him and his egregious violation of the decorum of the House; and

WHEREAS, the Speaker of the House is empowered, pursuant to Section 201, subsection 1, paragraph D of the House Rules, to "enforce the observance of order and decorum"; and

WHEREAS, pursuant to section 561, subsection 1 of Mason's Manual of Legislative Procedure, which states, "A legislative body has the right to regulate the conduct of its members and may discipline a member as it deems appropriate, including reprimand, censure or expulsion," the House is the judge of its own membership; and

WHEREAS, the House finds the conduct of Representative Shelley Rudnicki to be reprehensible; and

WHEREAS, the House finds that Representative Shelley Rudnicki has conducted herself in a manner incompatible with her duty and responsibilities as a Member of this House and the public trust and high standards incumbent in that office; now, therefore, be it

WHEREAS, That We, the Members of the House of Representatives of the One Hundred and Thirty-first Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to declare that Representative Shelley Rudnicki should be and hereby is censured by the House of Representatives for just cause; and be it further

RESOLVED: That Representative Shelley Rudnicki must accept full responsibility for the incident and publicly apologize to the House and to the people of the State of Maine; and be it further

RESOLVED: That Representative Shelley Rudnicki must comport herself in a manner that pursues the highest standards of legislative conduct; and be it further

RESOLVED: That this resolution must be entered on the Journal of the House of Representatives.

**READ** and **ADOPTED**.

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On motion of Speaker TALBOT ROSS of Portland, the following House Resolution: (H.R. 1)

**HOUSE RESOLUTION RELATING TO THE CENSURE OF REPRESENTATIVE MICHAEL H. LEMELIN OF CHELSEA BY THE MAINE HOUSE OF REPRESENTATIVES**

WHEREAS, on April 10, 2024, Representative Michael H. Lemelin of Chelsea, having been repeatedly warned by the Chair that his actions and speech were in danger of violating the decorum of the House, and the Representative chose to continue in an egregious violation of the decorum of the House; and

WHEREAS, the Speaker of the House is empowered, pursuant to Section 201, subsection 1, paragraph D of the House Rules, to "enforce the observance of order and decorum"; and

WHEREAS, pursuant to Section 561, subsection 1 of Mason's Manual of Legislative Procedure, which states, "A legislative body has the right to regulate the conduct of its members and may discipline a member as it deems appropriate, including reprimand, censure or expulsion," the House is the judge of its own membership; and

WHEREAS, the House finds the conduct of Representative Michael H. Lemelin to be reprehensible; and

WHEREAS, the House finds that Representative Michael H. Lemelin has conducted himself in a manner incompatible with his duty and responsibilities as a Member of this House and the public trust and high standards incumbent in that office; now, therefore, be it

RESOLVED: That We, the Members of the House of Representatives of the One Hundred and Thirty-first Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to declare that Representative Michael H. Lemelin should be and hereby is censured by the House of Representatives for just cause; and be it further

RESOLVED: That Representative Michael H. Lemelin must accept full responsibility for the incident and publicly apologize to the House and to the people of the State of Maine; and be it further

RESOLVED: That Representative Michael H. Lemelin must comport himself in a manner that pursues the highest standards of legislative conduct; and be it further

RESOLVED: That this resolution must be entered on the Journal of the House of Representatives.

**READ** and **ADOPTED**.

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At this point, Representatives LEMELIN of Chelsea and RUDNICKI of Fairfield were escorted to the well of the House to receive the pronouncements of censure from the Chair.

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The SPEAKER: Following the precedent of the 120th Legislature, I paraphrase the pronouncement of censure by Speaker Saxl.

We call upon the Record of Congress of the United States for guidance, and we reference the Congressional Record of January 15, 1868, in which Speaker Colfax quoted *May's Treatise on the Law, Privileges, and Uses of Parliament*. This text is where we derive the fundamental principle of our parliamentary law. Speaker Colfax quoted from the treatise on a similar occasion of a Member's censure in that Congress: "It is obviously unbecoming to permit offensive expressions against the character and conduct of Parliament to be used without rebuke; for they are not only in contempt of that high court, but are calculated to degrade the Legislature in the estimation of the people. If directed against the other House and passed over without censure, they would appear to implicate one House in discourtesy to the other; if against the House in which the words are spoken, it would be impossible to overlook the disrespect of one of its own Members. Words of this objectionable character are never spoken but in anger; and when called to order the Member must see the error into which he has been misled, and retract or explain his words and make a satisfactory apology. Should he fail to satisfy the House in this manner he will be punished." So said Speaker Colfax 156 years ago.

The House having voted a censure upon you, I now pronounce the same to be a publicly recorded act, and so, entered upon the Journal of this House. You will resume your seat. The Sergeant-at-Arms will escort the Representative from Fairfield and the Representative from Chelsea back to their seats.

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At this point, Representative RUDNICKI of Fairfield publicly apologized as resolved in House Resolution 2.

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

Representative **RUDNICKI**: Thank you, Madam Speaker. I accept full responsibility for my remarks on the House floor on the evening of April 10, 2024. I publicly apologize to my colleagues in the House, the people connected to the horrible events of October 25th and the State of Maine. Thank you.

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At this point, Representative LEMELIN of Chelsea publicly apologized as resolved in House Resolution 1.

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

Representative **LEMELIN**: Madam Speaker, please accept this formal apology. I accept full responsibility for my remarks on the House floor on the evening of April 10th. I publicly apologize to my colleagues in the House, the people connected to the horrible events of October 25th and to the State of Maine.

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## SENATE PAPERS

### Non-Concurrent Matter

Joint Order, to Recall from the Legislative Files L.D. 275, Resolve, to Require the Maine Board of Pharmacy to Review Work Practices and Treatment of Pharmacists

(H.P. 1468)

**READ** and **PASSED** in the House on April 9, 2024.

Came from the Senate **READ** and **FAILING** of **PASSAGE** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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### Non-Concurrent Matter

Bill "An Act to Prohibit Insurers from Using Credit Information as a Factor in Certain Insurance Practices"

(S.P. 950) (L.D. 2220)

Report "B" (5) **OUGHT NOT TO PASS** of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES READ** and **ACCEPTED** in the House on April 9, 2024.

Came from the Senate with that Body having **INSISTED** on its former action whereby Report "A" (5) **OUGHT TO PASS AS AMENDED** of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-649)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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### Non-Concurrent Matter

Bill "An Act to Implement the Recommendations of the Task Force to Evaluate the Impact of Facility Fees on Patients to Improve Facility Fee Transparency and Notification and to Prohibit Facility Fees for Certain Services"

(S.P. 987) (L.D. 2271)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES READ** and **ACCEPTED** in the House on April 9, 2024.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-655)** in **NON-CONCURRENCE**.

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

Representative ARFORD of Brunswick **REQUESTED** a roll call on the motion to **INSIST**.

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

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

**ROLL CALL NO. 497**

YEA - Ankeles, Babin, Beck, Boyle, Brennan, Bridgeo, Cloutier, Collings, Crafts, Craven, Dodge, Doudera, Eaton, Fay, Gattine, Gere, Graham, Greenwood, Hasenfus, Hepler, Hobbs, Jauch, Kuhn, Lajoie, LaRochelle, Lee, Libby, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Milliken, Montell, Moonen, Murphy, Ness, Nutting, Perry A, Perry J, Pringle, Rana, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Shaw, Sheehan, Sinclair, Skold, Stover, Supica, Swallow, Terry, Underwood, Walker, White B, Worth, Zager, Zeigler, Madam Speaker.

NAY - Abdi, Adams, Albert, Andrews, Arata, Ardell, Arford, Bagshaw, Bell, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Cluchey, Collamore, Copeland, Costain, Cray, Crockett, Cyrway, Davis, Dhalac, Dill, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Geiger, Gifford, Golek, Gramlich, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Javner, Kessler, Landry, Lavigne, Lookner, Lyman, Mason, Millett H, Millett R, Moriarty, Morris, Newman, O'Connell, O'Neil, Osher, Parry, Paul, Perkins, Pluecker, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Sayre, Schmersal-Burgess, Shagoury, Simmons, Smith, Soboleski, Strout, Theriault, Thorne, Warren, White J, Wood, Woodsome.

ABSENT - Galletta, Lanigan, Lemelin.

Yes, 67; No, 80; Absent, 3; Vacant, 1; Excused, 0.

67 having voted in the affirmative and 80 voted in the negative, 1 vacancy with 3 being absent, and accordingly the motion to **INSIST FAILED**.

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

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**COMMUNICATIONS**

The Following Communication: (S.C. 1079)

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

April 10, 2024

Honorable Rachel Talbot Ross
Speaker of the House
2 State House Station
Augusta, ME 04333-0002

Dear Speaker Talbot Ross:

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

Upon the recommendation of the Committee on Judiciary:

- Gordon Kramer of Enfield for appointment, to the Maine Indian Tribal-State Commission.

Upon the recommendation of the Committee on Labor and Housing:

- Ryan J. Bushey of Houlton for appointment, to the State Workforce Board.

Best Regards,
S/Darek M. Grant
Secretary of the Senate

**READ** and **ORDERED PLACED ON FILE**.

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

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Beth Ahearn, of Freeport, on her retirement. Ms. Ahearn has been a staple at the State House for almost 20 years. Most legislators know her as the Director of Government Affairs for Maine Conservation Alliance, Maine Conservation Voters. She has been a force for the protection of our environment, climate and democracy. She oversaw many successful environmental protection efforts, including restoring alewives on the St. Croix Rover, passing the innovative extended producer responsibility for packaging law, funding the Land for Maine's Future program and advancing a suite of climate change policies that will protect Maine's environment for years to come. Ms. Ahearn started as a contract lobbyist with Maine Conservation Alliance, Maine Conservation Voters in 2010 and became a full-time member of the staff in 2012. Prior to her work there, she worked as a lobbyist with Moose Ridge Associates from 2007 to 2011, was a guardian ad litem representing the best interests of children in child protective and divorce proceedings in District Court from 2000 to 2006, was a staff attorney for Maine Audubon from 1991 to 1996 and served as an Assistant District Attorney in both Cumberland and Androscoggin counties from 1988 to 1993. We extend our congratulations and best wishes;

(SLS 1801)

On **OBJECTION** of Representative SACHS of Freeport, was **REMOVED** from the Special Sentiment Calendar.

**READ**.

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

Representative **SACHS**: Thank you, Madam Speaker. Madam Speaker and Honorable Members of the House, I rise today, of course, to honor Beth Ahearn on her retirement as the Director of Government Affairs for Maine Conservation Voters.

Throughout her remarkable career, Beth has been a fearless champion for our environment and defender of the precious natural resources that make our State so special. From advocating for policies to address the devastating impacts of climate change to fighting for funding for Land for Maine's Future, Beth has been a leader who embodies the best of many of the shared values we hold as Mainers, including a wicked sense of humor. She also does this work at our local level, advising our Green Team at church, as well as the Freeport Climate Action and the Freeport Sustainability Board. So, both at work and volunteering to make our State a better place.

Our policymaking in this Legislature has been made stronger by Beth's advocacy and expertise over the years, and I know that I'm not alone in saying that her presence around the State House and her vibrant smile and personality in the halls will be missed. Again, her life's work has truly made our State a better place for future generations of Mainers. I wish her all the best during this next chapter. Thank you, Madam Speaker.

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

Representative **GRAMLICH**: Thank you, Madam Speaker, and Colleagues of the House. I just want to briefly share a few remarks about Beth Ahearn with you all, and I echo what the Good Representative from Freeport has already said.

When I first got elected to this Legislature six years ago, one of the very first people that I met in the halls was Beth Ahearn. It was shortly after I had gotten the appointment to serve on the Environment and Natural Resources Committee, and I found Beth to be a real staple in our Committee for the last six years, where I've had the good fortune of serving. I've found myself counting on Beth so often to be an invaluable resource for just about anything that I needed. Her capacity to collaborate and pull people together from disparate points of view is really a testimonial aspect to the work that we've been able to accomplish in our Committee, Madam Speaker. As the Good Representative from Freeport said, she has got an incredible sense of humor and one of the things that I really personally enjoy doing when I'm in the Committee, I might every so often, I might send a little text to Beth, so, I can see if I can get a smile out of her, which I always do.

We are really going to be lost without Beth Ahearn, Madam Speaker, and I think that there's going to be pretty large shoes to replace her. So, we wish her well in her retirement. 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. What do I say about Beth Ahearn on her retirement? First of all, I tried to talk her out of retiring, but I guess June is going to be it.

When I first started serving here many years ago, people would say, how do you do that? How do you serve with a lobby running the whole system? Well, one of the things I found is; except for one encounter; the lobby to be extremely valuable to secure information from their perspective and then you make an informed decision. So, let me speak about that one for a moment. It was an interesting encounter. Actually, I served with this gentleman on the Technical College System Board, and he was a lobbyist, apparently had been well-versed in it for some time; and he came up to me in the Hall of Flags and he took the knot on my tie and said, 'now, I think you want to change your vote.' And I said, 'well, no, Eddie, I don't think we do it that way anymore.'

But Beth Ahearn, I would describe as; you could rely on her information. A lot of times we didn't agree, but you found it to be credible and trustworthy. And her personality was one that you had to enjoy, even though I don't think she agreed with a lot of my decisions, but just a wonderful person. So, I just want to say the lobby is very valuable and you don't have to agree with them, but if they have personalities like Beth Ahearn, you just got to smile and enjoy them. Thank you, Madam Speaker.

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

Representative **DOUDERA**: Thank you, Madam Speaker, Colleagues. I just want to add my voice to those praising Beth. I echo what the Representative from Orrington said. When I think of Beth, the first thing that comes to mind is trust; trust and kindness. And this place only functions if we can find the people that we can truly trust, and Beth is one of those people. So, I wish her a happy retirement. Thank you.

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

Representative **ZEIGLER**: A tad late, Madam Speaker. Fellow Legislators, I want to thank Beth for her help for these last eight years and her friendship. And I want to thank her for waiting to retire until I was termed out. Thank you, Beth.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Osher.

Representative **OSHER**: Thank you, Madam Speaker. I wanted to recognize that, in addition to all the great work that she does right here in this building, that I met Beth when I was a citizen advocate for the environment. As a member of the Board of Maine Interfaith Power and Light, I came here for the Environmental Priorities Coalition gatherings, and Beth mentored us on how to speak to our legislators and talk about what we thought was important about the environment and go to public hearings, and I would credit Beth with her mentoring of your average citizen on how to participate in the public process in helping me decide to run for the House. So, I thank Beth and I think we're all better for having all the time she served here.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Bell.

Representative **BELL**: Thank you, Madam Speaker. I just want to ask Beth that she not spend all her retirement time learning; improving her ice skating. She hurts me enough as it is when we skate together, so, I don't want her to get any better.

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

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**Recognizing:**

Meryl Nass, of Ellsworth, Doctor of Medicine, for her more than 40 years of public health service to the State of Maine and the Nation. Dr. Nass has been affiliated with many boards and medical groups, including but not limited to Children's Health Defense, H.O.M.E. Cooperative of Orland, Protecting Our Guardians, Physicians for Social Responsibility, Center for Human Genetics of Ellsworth, Microsoft Research Laboratory, United States Director of National Intelligence's Summer Hard Problem Program, National Vaccine Information Center, Office of Human Research Protection and National Institutes of Health. She has testified as an expert in many hearings involved with world health, weapons of mass destruction, Gulf War syndrome, chemical sensitivity, pandemics and anthrax. From 2007 to 2010, Dr. Nass served as a member and chair of Maine's Commission to Protect the Lives and Health of Members of the Maine National Guard. Her work is cited by many colleagues and her own words are published in medical journals including The Lancet and the Journal of American Physicians and Surgeons and in mass print media including the New York Times, Boston Globe and Washington Post. We extend our appreciation and best wishes;

(HLS 979)

Presented by Representative SAMPSON of Alfred.
Cosponsored by Senator LIBBY of Cumberland.

On **OBJECTION** of Representative SAMPSON of Alfred, was **REMOVED** from the Special Sentiment Calendar.

**READ**.

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

Representative **SAMPSON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. As you've heard, Dr. Meryl Nass is from Ellsworth and has more than 40 years of public health service to the State of Maine and the entire nation. After attending MIT in the mid-'70s; which in and of itself is quite an

accomplishment for a woman at that time; Dr. Nass's history of being a responsible, science-based, patient-centered physician with a flawless record is being honored today with this Legislative Sentiment.

She has received a great deal of national media exposure over the last many decades. Additionally, she is widely published in the renowned medical journals both nationally and internationally, where she covered a range of public health topics, including, but not limited to, measles, smallpox, anthrax vaccines, treatment options in infectious diseases, biological warfare, toxins and chemical warfare and vaccines to breastfeed and nutrition. But notably, Dr. Nass became a highly regarded and sought-after national expert on epidemics; on anthrax, on Zika and Ebola. In addition, she has also developed protocols of care of complex disorders that affect so many individuals and families. Some of those protocols included evaluating and treating multiple potential contributors to illness in patients with fibromyalgia, chronic fatigue syndrome and chronic pain, treating over a thousand patients. And to add to that list, the Gulf War Syndromes, multiple chemical sensitivities and those related conditions. Over several decades, she has been a sought-out speaker as she assisted numerous legislative committees before the U.S. House and Senate Veterans' Affairs Committee and the VA's Research Advisory Committee, to understand Gulf War veterans' illnesses. She has also served as a member here in Maine on the Commission; where she chaired the legislative commission to improve the health care of our National Guard service members.

Dr. Meryl Nass is a treasure in our State and we are fortunate to have someone of her intelligence and insight; who deeply cares for her patients and those patients understand and remain deeply appreciative for her care. In recent years, Dr. Nass has been mischaracterized and has found herself on the wrong side of a situation where politics and medicine have clashed. The Maine Board of Licensure should be investigated, and they will not have the last word. Dr. Meryl Nass, on behalf of the State of Maine, I want to thank you for your service these past 40 years. Thank you.

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

Representative **SMITH**: Thank you, Madam Speaker. Madam Speaker and Members of the House who still remain; unfortunately, I feel like the story I have to tell is denigrated by the amount of people that just left, but I will carry on. I will say today that I'm happy to stand here to talk about Dr. Meryl Nass, as she has saved my husband's life and I am in her debt. She definitely deserves this Sentiment. That would be enough to stand and say, but I will expand for a moment.

In August of 2020, when many of us had been sick with COVID and I myself had had it for two weeks, I think many of us know the drill of what happened with COVID. You get sick, you stay in bed, feeling pretty badly for a good week and then you start to recover. You might eat a meal, watch a show, but you eventually start to recover. Unfortunately, my husband, who, ironically enough, had spent two months in Florida and not gotten sick, came home to Maine and received the gift of COVID. He's quite a strong and healthy man, yet COVID struck him down and for 10 days, he lay in bed with his fever not reducing from 100 degrees, getting worse and worse. And then, he said the words that sent a shiver through my spine; "help me." I knew that I couldn't bring him to a hospital, because, at that time, hospitals, honestly; people were not returning from them. So, we set out to find a way to help him. My good friend, Holly; sometimes Facebook is actually helpful, as I posted what should I do on there; my good friend, Holly, said that there was a doctor in Ellsworth that could help him, and this doctor was Dr. Meryl Nass.

Dr. Meryl Nass called us that evening at 7:00 p.m. and proceeded to speak with me for a while, because my husband was not really well enough to talk, and then had a phone consultation with my husband for a half hour. She went on to talk about the therapy that would help him. Hydroxychloroquine was a little late, but we would start that as well; it would've been better to start that five days ago; Ivermectin and some other therapies. Thankfully, we spoke that day, because two days later, pharmacies would not give out Ivermectin. I'm not going to say it was a magic pill, because it wasn't. He didn't jump up and start running around the house, but that very next day, he did not get worse and he started to get better at that time.

I have been mocked many times for talking about the therapy that saved his life, and I say, how can it not be real, that he did change the next day under this therapy? But Dr. Nass, of course, saved his life and for many, many other people; all of us here could actually have a number of names for which she did the same. She was ridiculed, debased and dishonored, but I thank her for saving my husband's life and the lives of many of my friends. She fully deserves the honor we give her today and also deserves to have her name rightfully restored to her position as a medical hero. Thank you.

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

Representative **QUINT**: Thank you, Madam Speaker. I, too, wish the full Body was here to hear me express my gratefulness for Meryl Nass.

I rise to express my gratitude and admiration for Dr. Meryl Nass. You may have heard many whispers of her; politically motivated whispers and then outright vilification. I have a different perspective, one of a debt for helping my family, specifically my husband; I need a moment; at a time when I feared that I was losing him to a slow death. In the height of COVID, she welcomed him into her office and assessed him. She listened to him and restored his faith in our utterly gutted medical community. She offered him alternatives to the endless barrage of yet another medication that did nothing. Her brilliant mind, knowledge and history of research has benefitted so many, even if they are unaware of it. Thank you, Meryl, for being a warrior in the face of adversity. Your tenacity is inspiring and sets the bar for standing what is the most important; the truth. I hold you in the highest esteem.

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

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**Recognizing:**

the Mary Snow School Chess Team, of Bangor, which won the K-5 Category at the Maine Team Chess Championship. We extend our congratulations and best wishes;

(HLS 982)

Presented by Representative ROEDER of Bangor.

Cosponsored by Senator BALDACCI of Penobscot, Representative PERRY of Bangor, Representative RANA of Bangor, Representative SUPICA of Bangor.

On **OBJECTION** of Representative ROEDER of Bangor, was **REMOVED** from the Special Sentiment Calendar.

**READ**.

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

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**Recognizing:**

Mikaella Torres, of Lewiston, a member of the Japan Karate Association of Maine, who will be representing the United States by competing in the Funakoshi Gichin Cup 16th World Championship in Takasaki, Japan on October 25-27, 2024. We extend our congratulations and best wishes;

(HLS 986)

Presented by Representative ABDI of Lewiston.
Cosponsored by Senator ROTUNDO of Androscoggin, Representative CLOUTIER of Lewiston, Representative CRAVEN of Lewiston, Representative LAJOIE of Lewiston.

On **OBJECTION** of Representative ABDI of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

**READ**.

The SPEAKER: The Chair recognizes the Representative from Greene, Representative Wood.

Representative **WOOD**: Thank you, Madam Speaker. I just want to; the gentlemen and the teams upstairs; I just wanted to say thanks to them for coming and also to say thanks for sticking around, even with our legislative time.

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

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**Recognizing:**

Miguel Torres, of Lewiston, a member of the Japan Karate Association of Maine, who will be representing the United States by competing in the Funakoshi Gichin Cup 16th World Championship in Takasaki, Japan on October 25-27, 2024. We extend our congratulations and best wishes;

(HLS 987)

Presented by Representative ABDI of Lewiston.
Cosponsored by Senator ROTUNDO of Androscoggin, Representative CLOUTIER of Lewiston, Representative CRAVEN of Lewiston, Representative LAJOIE of Lewiston.

On **OBJECTION** of Representative ABDI of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

**READ**.

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

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**Recognizing:**

Michael Umayam, of Lewiston, a member of the Japan Karate Association of Maine, who will be representing the United States by competing in the Funakoshi Gichin Cup 16th World Championship in Takasaki, Japan on October 25-27, 2024. We extend our congratulations and best wishes;

(HLS 988)

Presented by Representative ABDI of Lewiston.
Cosponsored by Senator ROTUNDO of Androscoggin, Representative CLOUTIER of Lewiston, Representative CRAVEN of Lewiston, Representative LAJOIE of Lewiston.

On **OBJECTION** of Representative ABDI of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

**READ**.

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

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**Recognizing:**

Ariana Touchette-Ruiz, of Lewiston, a member of the Japan Karate Association of Maine, who will be representing the United States by competing in the Funakoshi Gichin Cup 16th World Championship in Takasaki, Japan on October 25-27, 2024. We extend our congratulations and best wishes;

(HLS 989)

Presented by Representative ABDI of Lewiston.
Cosponsored by Senator ROTUNDO of Androscoggin, Representative CLOUTIER of Lewiston, Representative CRAVEN of Lewiston, Representative LAJOIE of Lewiston.

On **OBJECTION** of Representative ABDI of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

**READ**.

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

Representative **ABDI**: Thank you, Madam Speaker. Before starting, I just want to say thank you and major shoutout to the team in the Gallery for sticking with us. They've been here for some time, so, I'm really glad that we are here at this moment.

Madam Speaker, I'm honored to stand today to recognize the incredible athletes who sit in the Gallery behind me; Benjamin, Liam, Michael, Ariana, Mikaella and Miguel from AKA Maine Karate Academy. They will be competing in Japan this October, representing the United States and Maine in an international Olympic-like competition alongside athletes from around the world. Every three years, a global community of athletes come together to compete at this event, to which each country selects and sends a national team. Selections take place at a national tournament, which draws athletes from dojos all over the country, all vying for a spot to compete in this Championship. As you can see, qualifying for this competition is an outstanding accomplishment within itself. This will be a milestone in the sporting careers of these athletes, and it is with great dedication, effort, perseverance and passion that these six young Mainers stand before us today. Madam Speaker, please join me in congratulating these impressive athletes and wishing them the best of luck. Thank you.

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

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**Recognizing:**

Elyse Nutter, of Dover-Foxcroft, a senior at Foxcroft Academy, who is a recipient of a 2024 Principal's Award for outstanding academic achievement and citizenship, sponsored by the Maine Principals' Association. We extend our congratulations and best wishes;

(HLS 992)

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

On **OBJECTION** of Representative PERKINS of Dover-Foxcroft, was **REMOVED** from the Special Sentiment Calendar.

**READ**.

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

Representative **PERKINS**: Thank you, Madam Speaker, my distinguished colleagues in the House. I'm always pleased and proud to recognize one of Foxcroft Academy's outstanding students.

Elyse Nutter is this year's recipient of the Maine Principal's Award for the Academy. As most of you know, the Maine Principal's Award was established to recognize students for both academic excellence and good citizenship, and a recipient is

chosen from the senior class of each school. Elyse has recently received early acceptance into the University of Maine at Orono to study Political Science and Pre-Law. While maintaining her studies, Elyse has represented the Academy as a student ambassador, served as president of the peer mediation program, has been a member of the trivia club, the book club, the volleyball club and the Latin club, where she served as the club's parliamentarian. These activities did not detract her from her academics, though, as evidenced by the fact that she has been a member of the National Honor Society for these last two years. Outside of school life, Elyse has dedicated many volunteer hours to help children in need. Each year, she and her family go tipping on their family land and then make and sell balsam wreaths, using 100% of the sale proceeds to purchase much-needed toys and comfort items, which are then distributed by the Children's Miracle Network of Northern Light Hospitals during the holidays. So far, the sale of these wreaths has raised thousands of dollars for this worthy cause. Elyse has been awarded scholarships by UMaine for her hard work and academic excellence, and as one of this year's award recipients, was one of the 10 recipients chosen by lottery to receive an additional scholarship.

Madam Speaker, our young people are our legacy, and among them are the leaders of tomorrow. When we encounter such a young lady, someone who has already embraced the ideals of service, compassion, selflessness, duty to others and the virtues of hard work and determination, she is to be celebrated. I would thank you, Madam Speaker, to join me in congratulating Elyse Nutter in her accomplishments thus far, and wishing her all future success. Thank you.

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

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**In Memory of:**

Rosemary Hentz, of Georgetown. Mrs. Hentz served as an Ombudsman in the United States Navy while supporting her husband in his naval career. In 1981, she began a 36-year career serving as an emergency medical technician for the Georgetown Fire Department. She also was crew chief of the ambulance from 1986 to 2014 and served on the department's board of directors. She owned her own business, Balloons n' Stuff, in Georgetown with her friend Cheryl. Mrs. Hentz served as a special education teacher at Dike Newell Elementary School for several years. Throughout her life, she was a volunteer for many causes, including hospice care. She was a prolific textile artist whose work included baskets, rugs and embroidery. She was also an accomplished ballet dancer who taught dance for many years, including teaching ballet to the National Football League's Oakland Raiders. In 1997, she was named Georgetown's Citizen of the Year. Mrs. Hentz will be long remembered and sadly missed by her family and friends and all those whose lives she touched;

(HLS 990)

Presented by Representative HEPLER of Woolwich.
Cosponsored by Senator VITELLI of Sagadahoc.

On **OBJECTION** of Representative HEPLER of Woolwich, was **REMOVED** from the Special Sentiment Calendar.

**READ**.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Hepler.

Representative **HEPLER**: Thank you, Madam Speaker. Because Rosemary was a first responder, she was a literal angel of life; a literal lifesaver. I knew her as a dogged defender of all things Georgetown, a devoted wife to John Hentz of over 50 years and a darn good friend. But this image I have of her now is forever changed by the nugget that was expressed in the Sentiment at the end, that this tiny person taught ballet to the Oakland Raiders. I will miss her. Thank you.

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

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

**UNFINISHED BUSINESS**

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

Expression of Legislative Sentiment Recognizing the Lisbon/St. Dominic Competition Cheer Team

(HLS 913)

TABLED - March 28, 2024 (Till Later Today) by Representative MASON of Lisbon.
PENDING - **PASSAGE**.

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

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**REPORTS OF COMMITTEE**
**Divided Reports**

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-673)** on Bill "An Act to Respect and Protect the Right to Food"

(S.P. 739) (L.D. 1823)

Signed:
Senators:
INGWERSEN of York
HICKMAN of Kennebec
Representatives:
PLUECKER of Warren
HEPLER of Woolwich
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
Representatives:
COSTAIN of Plymouth
CRAY of Palmyra
GUERRETTE of Caribou
HALL of Wilton
JACKSON of Oxford

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-673)**.

**READ**.

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

Representative HALL of Wilton **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. 498**

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

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Bradstreet, Bridgeo, Campbell, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Dill, Drinkwater, Ducharme, Dunphy, Foster, Gifford, Griffin, Guerrette, Haggan, Hall, Jackson, Javner, Lajoie, Landry, Lavigne, Lyman, Mason, Mastraccio, Millett H, Moriarty, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Polewarczyk, Pomerleau, Rudnicki, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Galletta, Lanigan, Lemelin, Moonen, White B, Zeigler.

Yes, 84; No, 60; Absent, 6; Vacant, 1; Excused, 0.

84 having voted in the affirmative and 60 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-673)** 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-673)** in concurrence.

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

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Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act to Protect Consumers from Predatory Medical Credit Card Providers"

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

PERRY of Calais
CYRWAY of Albion
MASTRACCIO of Sanford
MORRIS of Turner
NUTTING of Oakland
SWALLOW of Houlton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-678)** on same Bill.

Signed:

Senators:

BAILEY of York
RENY of Lincoln

Representatives:

ARFORD of Brunswick
CLUCHEY of Bowdoinham
MATHIESON of Kittery
PRINGLE of Windham

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-678)**.

**READ**.

Representative PERRY of Calais moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The same Representative **REQUESTED** a roll call on her 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 Calais, Representative Perry.

Representative **PERRY**: Thank you, Madam Speaker. I am here; let me see, where to begin? This bill really works to afford transparency. The name of the bill has changed to "An Act to Increase Consumer Protections for Consumers with Medical Debt."

I agree with the desire for the bill, but there are two places in that bill I cannot agree with. One place is about the use of credit card, and I'm going to get specific; in Section 2, Part 5, it says, "a health care provider may not accept payment for the costs of health care services using open-end credit or a loan that contains a deferred interest provision at any time prior to the date upon which the health care services are rendered or any costs are occurred, except in circumstances…"

This is a letter I received from the dental organization, which I would like to read to you as to why I consider this a difficult thing to work with in terms of the explanation. In orthodontia, pre-funding is the standard care that allows orthodontists to bill throughout the course of treatment, which often takes two years. And the other thing that they do is they set up payment plans that can be paid either through CareCredit or a credit card, so that families can have a regular bill that goes throughout that two-year period. Dental procedures that require anesthesia, radiology support, preoperative work; billing often occurs prior to the procedure to ensure that these necessary support services are lined up. And then, according to the Consumer Financial Protection Bureau, they have determined that the term 'services rendered' means that the treatment is completed. This means that providers could not charge these services until the treatment is complete, which prevents the ability to have clients use a credit card to pay on a regular basis.

The other thing that I object to on this is also the reporting of medical debt on the consumer report. My biggest concern is; because I don't think this is really able to do that without a lot of problems; is that medical debt could be anything, not necessarily medically necessary medical debt. I could have a facelift. I've seen a doctor, I'm paying for it, but it wasn't medically necessary, but I look a lot better; that's probably not a bad idea. But that's not an incurred necessary medical debt. How do you tell the difference? I think we've got to have a better

definition and we've got to look at how we do it. Right now, I don't think that's doable. So, that is all I have to say. Thank you.

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

Representative **GOLEK**: Thank you, Madam Speaker. I rise against the motion today. I am in support of the Minority Report. Today, I just want to say, we have an opportunity with this bill to make a dent in unfair reporting practices of medical debt.

First, I would like to just address some concerns I have heard from constituents who I have spoken with; and in the halls about this bill. The first one is, some are concerned that the medical credit reporting agencies; I'm sorry; they will no longer be able to get their medical care through CareCredit or other medical credit cards. And I just want to read that, as amended, LD 2174 does not limit the ability of medical credit cards. Furthermore, medical credit cards would still be allowed to be advertised in a provider's office. The amended bill merely provides patients with some basic common-sense consumer protections; prohibiting consumers from being signed up for a medical credit card while recovering from a medical procedure in an exam recovery room, prohibiting providers from arranging or establishing an application on behalf and prohibiting providers from falsely promoting a medical card as 'no interest' if the card has deferred interest that can significantly increase the total amount of debt owed by the individual.

The second issue I have heard is that this bill is not doable because credit report agencies cannot distinguish medical debt from other debt. Actually, they can, and they do this already. Effective April 2023, three credit bureaus; Experian, TransUnion, and Equifax; removed all unpaid medical debt that had a balance below $500 from their reports. They also will no longer add new medical debt that is less than $500 to their reports. Clearly, this states that they can distinguish what is medical debt and what is not.

Why shouldn't medical debt be added to a person's credit report? Well, I think, you know, medical debt is not a planned event. In fact, most of the time, it is created from a medical emergency. I don't believe someone should be penalized for seeking unplanned life-saving medical care. And I'll share a couple stories with you that; because I can only speak about myself and my own personal experiences with this. As a young single mother, I ended up with a medical emergency and I needed emergency care and emergency that led to surgical procedures. During this time, I was also in flux of trying to sign up for the State's insurance plan and figuring out who qualified for what; this was 30 years ago, and I'm telling you this to express how long these predatory practices have been happening. In the hospital, somebody came in and pretty much filled out the form for me for CareCredit and I signed it, not really understanding but knowing that I needed this medical procedure and, at that time, they wanted to know they were going to get payment, which is understandable, right? So, I get this procedure and then, you know, the bills started coming in for the CareCredit. And then, you miss a payment, can't pay it all; there's really no negotiating, the rates just go up and you get bombarded and bombarded and bombarded, and then it hits your credit report, which affected my ability to be able to secure safe housing for me and my children; all because I got sick, not because I was planning on it, and needed medical health care. And it ended up later in a bankruptcy because I just couldn't do it.

Jump forward 10 years. Sitting and watching TV and an abscessed tooth exploded and I got really sick and needed medical again. Dentist's office filled it out; agony, pain, everything else; same thing happened. I just could not get it off the credit report.

These credit reporting of medical debt causes real life harm, more to people when you have a medical emergency; like I said earlier, you shouldn't be penalized for that. But what happens is, if you can't; you get a medical emergency, it might be $10,000, $20,000, it might be $500. If you can't get it paid off in a certain time, or you just can't make those payments, it goes to your credit reporting agency, which then is used against you to try to secure housing or other type of loans. It doesn't mean that you don't have to pay these debts off or come up with a payment plan. What this bill is saying is it can no longer go to that credit reporting agency to do that.

Now, these predatory practices, as far as I know, have been going on for more than 40 years. Before I ended up here in the House Chamber; probably three years before I ended up in this House Chamber, I spent six years critically ill and during that time, I spent more than half my wages covering gold plan medical insurance and my medical debt. Financially stable, still couldn't keep my medical debt off my credit rating reports. Still working on getting them off those reports.

I guess my point is, I just want everybody to look at this for what it is. This is a way to hold; we shouldn't be penalized if we're seeking medical care. And the other thing that I just want to share with people is the people that are seeking; 41% of Americans have some form of medical debt, yet health care debt is not evenly distributed. Uninsured adults, women, black, Hispanic adults, parents are more likely to have health care debt than others. And the other thing that happens out of fear of health care debt being on your credit card reporting is people don't go get the health care they need. They wait, they wait, they wait and they end up in the emergency room and it just gets worse. So, anyways, I'm not going to belabor you all anymore, but my hope is that we don't pass this motion. Thank you.

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

Representative **SOBOLESKI**: Thank you, Madam Speaker, Ladies and Gentlemen. To properly implement this bill would force creditors to have itemized purchase information, which can include private health information, so they can determine what is medical debt and what is not. Consumers do not want their lenders to know this information. Would you want your bank to know if you're paying for medication, health products or other services?

Additionally, this bill would force credit bureaus to report inaccurate and incomplete information on credit reports. It would force credit bureaus to suppress bad payment behavior, but would require reporting of good payment behavior. This skews the credit reporting system. It's bad for lenders trying to make an informed decision about extending credit to consumers. It's also bad for consumers, because they could be offered credit that they just plain can't pay. Reporting only good payments violates the Fair Credit Reporting Act, which governs access to consumer credit report records and promotes accuracy, fairness and the privacy of personal information assembled by credit reporting agencies. Basically, Madam Speaker, what it does is you only report the bad stuff and not the good stuff. You can't get a fair snapshot of a person's trustworthiness as far as extending credit to them. It's an unfair system and it's just not going to work. It violates the Fair Credit Reporting Act. Thank you, Ma'am.

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

Representative **PRINGLE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion and would like to explain why I'm on the Minority Report. I would also like to note that the Minority Report amended the title of the bill to remove the word predatory.

And I'd like to start out that many, many, many of us, or all of us on the Committee, received many emails from constituents who really like the use of their CareCredit cards. And we even had a wonderful lobbyist who testified, sharing how she had used it herself to pay for braces or dental work, that she could get a lower price if she prepaid it. The thing that we also heard from, though, was the consumer advocates, Consumers for Affordable Health Care and others; the problem is, if you're a savvy consumer and you know that if you pay off this deferred-interest but high-interest credit card within the six to 12 months that they defer the interest, then you don't have to pay any interest and it's a really nice deal. It saves the provider the billing costs of offering you a payment plan and having an administrator who will do that billing or collect bad debt. But the problem for people who may not be savvy credit users, who don't have an alternate credit card, the lobbyist admitted that she had a second problem come up and she needed to use the card, so, she learned that she couldn't get the company to tell her her two different accounts, but she had to call and request the information. She used a credit card to pay off the debt that didn't get paid by the 12 months, she used another high interest card which she knew she could then pay off at a lower interest rate over time and still keep the separate bill at the no interest until 12 months.

I know that sounds complicated, but it turns out a lot of people today, especially younger people who don't have a lot of savings, as we know, these cards are extremely valuable for them. But, really, what we put in this bill is some explanation, some warning that makes sure that there is good language, and we were provided that by the consumer agencies, how to warn someone of what their options are to avoid getting these very high interest payments and a much higher payment for the cost of their care over time.

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

Representative **ARFORD**: Thank you, Madam Speaker. I also rise in opposition to this motion. And not to repeat anything that's already been stated, I'm just going to ask my respected colleagues in the House to think about a time in their life or a time, possibly, in a family member or maybe one of their children's lives, when they were seriously ill and they required medically necessary care. Because my husband came very close to dying from cancer in 2008 and there, honestly, I would have done anything to pay for the care that he required. Anything. And I think most of us; I'm going to not speak for anybody in the House, but I'm going to say that I think it's likely that many of us would do likewise.

And that's the problem I have with this product. This product has proven itself predatory in the sense that it knows that health care is extremely expensive and only getting more expensive, but that at that point in time where they have to make a decision about engaging in medically necessary care and they know they're going to have to pay for it, that they will choose a product that is potentially not in their best interest financially, simply to access that care. And the way this works is --

The SPEAKER: The Member will defer. The Chair will remind the Member to direct remarks directly to the Chair.

The Chair reminded Representative ARFORD of Brunswick to address her comments toward the Speaker.

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

Representative **ARFORD**: I apologize, Madam Speaker. We've heard from other people on this, regarding this bill; and I think at this point, I would like to close my comments by simply saying what this bill does is level the playing field. It provides protections for people when they're most vulnerable. It does not take this product away from people. The product is still going to be available. They can still post information, provide it in the doctor's or the hospital or wherever it is being offered. That will still happen, they can still post it online, they can still do all these things. All we're saying is, number one, you have to tell the truth, you can't do false advertising like say zero percent interest, which has occurred on websites, when, in fact, this is deferred interest; and if you extend the payment past that point that they allow it to be deferred, you are not only hit with the interest at that point, but all the interest that's accumulated. So, they have to tell the truth, they have to follow simple rules, straightforward rules, fair rules for how they present their product.

And in terms of the medical debt not being reported, I think everybody must've heard this; because we're all very smart people in this House; that medical debt is a leading cause of bankruptcy in our nation; leading cause, and it's been like this for many years. And what happens is, when you have medical debt and it gets reported to the credit bureaus, it's then very, very challenging for you to get things like an auto loan or a home mortgage or something like that, and if you do qualify, you're going to have a very, very high rate. So, all we're saying is, because we know medical debt is so widespread, we're going to limit the way in which it can harm people by not allowing it to be reported to the credit reporting agencies, so it can then further harm people. That's all that's doing. Thank you very much.

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

Representative **LOOKNER**: Madam Speaker, I wasn't going to rise on this, but I just wanted to say the term 'medical debt' is not something you will hear in any other major developed democracy or country in the world. I find the very term to be an indictment of our entire medical system. So, if we can't move away from a system where entities are profiting from people's basic human needs, such as health care, which I firmly believe is a human right, the least we can do is regulate how these cards are being issued and regulate how the process is being used against these folks who are seeking treatment in the future. So, I'm in opposition, but I just wanted to go on the record saying that. Thank you.

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

Representative **NUTTING**: Thank you, Madam Speaker, Men and Women of the House. I rise this afternoon to join my good House Chair and the majority of my Committee, in a bipartisan fashion, in the Majority Report to Ought Not to Pass this bill.

We get lots of mail. Sometimes, we wonder where the mail is for issues that we think are important; sometimes, we get a lot of mail for issues that we're not familiar with. This is the latter for me. I had never heard of a CareCredit credit card, and when I received literally dozens and dozens of emails from constituents just in my district, as opposed to some of the emails we get from all over the State or all over the country; dozens and

dozens just from my district who said, and I'll just read a couple of lines, quoting from one of the letters. "People like me rely on financing offered by CareCredit to pay for dental, vision, hearing and veterinary treatments and procedures that insurance may not cover and that are too costly to pay for all at once. I urge you to protect these important options for people in Maine." I think, sometimes, in this House, we have the opportunity to refrain from helping people who don't want our help. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Swallow.

Representative **SWALLOW**: Thank you, Madam Speaker. This type of credit card is used now by 55,000 Mainers. I received emails from many of them, including the elderly, who were begging me not to make any changes, who find this to be very beneficial and ask that we just don't change anything. This has helped a lot of people. Now, many don't understand deferred interest, and that's an issue for some, but anyone that's talked to me, it was well explained to them by the companies what deferred interest was, how it worked and it worked out beautifully for them. So, I'm urging this Body to support this. One portion of the bill says that a health care provider may not, on a consumer's behalf, arrange for or establish an application for open-end credit loan that contains deferred interest. However, in many cases, including the elderly, they need this and want this help. And this is going to deny them of the assistance where they need it, at the place of the health care provider. So, I urge my fellow House Members to support this, please. Thank you.

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

Representative **RANA**: Thank you, Madam Speaker, and I'll be short. I rise in opposition to this pending motion.

I want to highlight that there's nothing in this amended bill that precludes anyone from getting or using a medical credit card, it just adds some basic and necessary consumer protections to when and where they can be marketed and for transparency in marketing, so that the deferred-interest credit cards are not marketed as zero-interest credit cards. This option will still be available to all consumers in Maine.

Four out of 10 Mainers have medical debt in their household, and as a member of the Housing Committee, I care deeply about the crisis that we're in regarding housing access. Having medical debt reported against you makes it harder to get a mortgage or to be considered in a rental application, and in reality, medical debt is unique in that it is not a good predictor of someone's ability to pay their debts. This is a basic consumer protection and people are being penalized for not being able to just afford life-saving health care as a result. Thank you.

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

Representative **SAYRE**: Thank you, Madam Speaker. I'd like to address the mystery, or the question of how it is that many of us have received emails on this measure. The source of the emails in some, and I would venture to guess, many of the cases; certainly in the case of what I received; is a form email generated by the company, CareCredit, urging citizens to tell your legislators to oppose LD 2174. And the content of the message that people are taking action on is incorrect in its description of the bill. It says that LD 2174 would limit access to financing solutions like CareCredit, which offers deferred interest financing, and adds some details that I don't really need to go into. So, in the case of the constituents who reached out to me and, I would venture to guess, reached out to many of you; they were responding to a statement about the bill that simply is not true. Thank you.

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

Representative **SINCLAIR**: Thank you, Madam Speaker. Madam Speaker, Colleagues of the House, I rise now to join the Good Representative from Portland, Representative Lookner, to the extent that his comments address the failure of our nation to join the civilized world in providing universal health care to our citizens. However, my approach to the pending motion is completely the opposite of the Good Representative's. From my perspective, and from the perspective of the several constituents who did contact me about this, they feel that this is their only available mechanism in order to pay for this much-needed care.

Now, we need to be honest with ourselves, Madam Speaker, that all forms of credit really are just a way of getting people who don't have the money available to them to pay out more than they actually possess. It is a way, essentially, for companies or providers to make a greater profit off the people who may even, in this case, have a medical need for those services. But that's the system we have today and I can't in good conscience make it any harder for the people of my district to access those services that they require, and so, I'm supporting the pending motion. Thank you.

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

**ROLL CALL NO. 499**

YEA - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Bridgeo, Campbell, Carlow, Carmichael, Cloutier, Collamore, Costain, Crafts, Cray, Cyrway, Davis, Dodge, Drinkwater, Ducharme, Dunphy, Faulkingham, Fay, Foster, Fredericks, Geiger, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Hasenfus, Henderson, Hepler, Hymes, Jackson, Jauch, Javner, Kuhn, Landry, LaRochelle, Lavigne, Lee, Lemelin, Libby, Lyman, Mason, Mastraccio, Millett H, Montell, Moriarty, Morris, Murphy, Ness, Nutting, O'Connell, Parry, Paul, Perkins, Perry A, Perry J, Poirier, Polewarczyk, Pomerleau, Quint, Roberts, Rudnicki, Russell, Sachs, Sampson, Schmersal-Burgess, Shaw, Simmons, Sinclair, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome, Worth.

NAY - Abdi, Ankeles, Arford, Beck, Bell, Boyle, Brennan, Cluchey, Collings, Copeland, Craven, Crockett, Dhalac, Dill, Doudera, Eaton, Gattine, Gere, Golek, Graham, Gramlich, Hobbs, Kessler, Lajoie, Lookner, Madigan, Malon, Mathieson, Matlack, Meyer, Millett R, Milliken, Newman, O'Neil, Osher, Pluecker, Pringle, Rana, Rielly, Riseman, Roeder, Runte, Salisbury, Sargent, Sayre, Shagoury, Sheehan, Skold, Stover, Supica, Terry, Warren, Zager, Zeigler, Madam Speaker.

ABSENT - Galletta, Lanigan, Moonen, White B.

Yes, 91; No, 55; Absent, 4; Vacant, 1; Excused, 0.

91 having voted in the affirmative and 55 voted in the negative, 1 vacancy with 4 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-677)** on Bill "An Act to Establish the Maine Buy American and Build Maine Act"

(S.P. 812) (L.D. 1983)

Signed:

Senators:

NANGLE of Cumberland

BALDACCI of Penobscot

Representatives:

STOVER of Boothbay

ABDI of Lewiston

COPELAND of Saco

DHALAC of South Portland

SINCLAIR of Bath

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

Signed:

Representatives:

ADAMS of Lebanon

GREENWOOD of Wales

POMERLEAU of Standish

UNDERWOOD of Presque Isle

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-677)**.

**READ**.

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

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

Representative **STOVER**: Thank you, Madam Speaker. If the State is going to spend taxpayer dollars on goods and services, then let's look at Maine goods, workers and businesses first. The Buy American and Build Maine Act is a win for our entire State. It invests taxpayer dollars back into our communities, supports quality, good-paying jobs and keeps our economy running. Across the country, states are adopting policies that celebrate local workers and businesses, and it's time we do the same.

This bill will promote Maine and regional businesses. It requires public agencies to give preference to in-state contractors on similar submitted bids and gives preference to in-state contractors that include a registered apprentice or pre-apprenticeship program. This bill supports local workers by requiring that any person, firm or corporation hire at least 75% of employees for the public improvement projects within their local labor market. This includes any local labor market outside of Maine if the portion of the labor market is within 75 miles of the Maine border. To bolster American manufactured goods, this bill requires that any manufactured goods over $5,000, including iron and steel, must be manufactured in the United States for public works contracts costing over $100,000.

I ask you to support the pending motion. Thank you.

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, my Colleagues in the House. It seems awkward that I'm standing to oppose a Buy American bill wearing an American flag, but I, too, support buying American, which is something the State is currently doing. We heard testimony from the Department that they remained opposed to the bill on a fundamental level.

A review of the construction contracts awarded by the Bureau of General Services in FY22 reveals that 98.66; I'll repeat that; 98.66% of the total spend was awarded to 86 companies with an established presence in Maine. The remaining 1.34% of the total spend was split among four out-of-state companies. Maine-based contractors and vendors have proven themselves to be more than competitive. They are capable of performing the work, they offer quality services and goods and, more often than not, their bids come in cheaper than their competitors. They are winning the State's contracts fair and square, without stacking the deck. That was testimony from the Department.

The Associated Builders and Contractors testified: As we saw during the pandemic, our supply chains are delicate and can be disrupted quicker than we'd all like. The construction industry is still suffering shockwaves from COVID, Madam Speaker. But we're adapting and doing everything we can to move things back to normal. However, there are some things that aren't changing. The cost of materials continues to rise. In fact, on average, they're over 35% higher than they were at the beginning of the pandemic. Our shared pandemic experience should be a lesson learned in restricting supply, let alone bureaucratically restricting supply. By requiring contractors to exhaust suppliers manufactured only in the United States before finding a required material elsewhere takes time and bureaucracy. As prices rise for public projects, there will be fewer and fewer of them completed. They believe that that will be the case if this bill is enacted. On the day of the public hearing, I asked the sponsor, President Jackson, because that morning, he had voted against Maine forest products on a discussion on a Department bill regarding the procurement of goods and services. The paper that I printed from the printer on the Clerk's side can't even be purchased from Maine forest products, Madam Speaker. When I asked if we could compromise on that, there really wasn't a compromise.

This bill isn't really about buying Maine, buying American. It's creating a bureaucracy that is going to increase the cost of every bid and contract that we do. It's also going to increase the cost of our school construction projects. Our counties who use State funds are going to have to use this process if this bill is enacted, which is going to increase the cost. Any municipality who does construction projects that use State dollars are going to have to use this process. They're going to have to certify and verify that the products are from the United States, and if they're not, they have to do an extensive search and get a waiver. Madam Speaker, we currently do the best we can in supporting local. The fact that we are exceeding 98% using Maine contractors, I don't see a problem here. So, for those reasons, I have to vote no on the pending motion. 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. 500**

YEA - Abdi, Ankeles, Arata, Arford, Beck, Bell, Brennan, Cluchey, Collings, Copeland, Craven, Crockett, Dhalac, Dodge, Doudera, Fay, Gattine, Gere, Golek, Gramlich, Hasenfus, Hobbs, Jauch, Kuhn, Landry, Lee, Lookner, Madigan, Malon, Mathieson, Meyer, Millett R, Milliken, Montell, Moriarty, O'Neil, Osher, Perry A, Perry J, Pluecker, Pringle, Rielly, Riseman, Roberts, Roeder, Russell, Salisbury, Sayre, Shagoury, Shaw, Sheehan, Sinclair, Skold, Stover, Supica, Warren, Worth, Zager, Zeigler.

NAY - Adams, Albert, Andrews, Ardell, Babin, Bagshaw, Blier, Boyer, Boyle, Bradstreet, Bridgeo, Campbell, Carlow, Carmichael, Cloutier, Collamore, Costain, Crafts, Cray, Cyrway, Davis, Dill, Drinkwater, Ducharme, Dunphy, Eaton, Faulkingham, Foster, Fredericks, Geiger, Gifford, Graham, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hepler, Hymes, Jackson, Javner, Kessler, Lajoie, LaRochelle, Lavigne, Lemelin, Libby, Lyman, Mason, Mastraccio, Matlack, Millett H, Morris, Murphy, Ness, Newman, Nutting, O'Connell, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rana, Rudnicki, Runte, Sachs, Sampson, Sargent, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Terry, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome, Madam Speaker.

ABSENT - Galletta, Lanigan, Moonen, White B.

Yes, 59; No, 87; Absent, 4; Vacant, 1; Excused, 0.

59 having voted in the affirmative and 87 voted in the negative, 1 vacancy with 4 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative STOVER of Boothbay, the Minority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-951)** on Bill "An Act to Include a Tribal Member in the Baxter State Park Authority"

(H.P. 192) (L.D. 294)

Signed:

Senators:

INGWERSEN of York
HICKMAN of Kennebec

Representatives:

PLUECKER of Warren
HEPLER of Woolwich
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

Representatives:

COSTAIN of Plymouth
CRAY of Palmyra
GUERRETTE of Caribou
HALL of Wilton
JACKSON of Oxford

**READ**.

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

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Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-946)** on Bill "An Act to Require Hospitals and Hospital-affiliated Providers to Provide Financial Assistance for Medical Care"

(H.P. 1257) (L.D. 1955)

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. I rise to oppose LD 1955. This legislation is aimed at revamping the hospital charity care programs. As representatives of our constituents, it is our duty to carefully consider the implications of such a bill. While it's undeniable that hospitals play a crucial role in our community's well-being, we must also acknowledge the importance of preserving their autonomy. Mandating how hospitals allocate their own resources may inadvertently hinder their ability to provide effective care.

Charity care, a cornerstone of many hospital systems, embodies compassion and solidarity with those in need. It's a testament to the values that we hold dear as a society. While there may be areas for improvement with our hospitals, they

excel in their charity care programs. As we cast our votes on LD 1955, let us proceed with caution. Let us ensure that any changes made serve to enhance rather than undermine the mission of our hospitals. I would ask that you oppose this motion. Thank you.

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

Representative **GREENWOOD**: Thank you, Madam Speaker, I will try to be brief. Earlier in the session, I had the privilege of speaking with Nate Howell, who's the President and CEO of MaineGeneral. I wasn't able to attend his breakfast, but I asked him to keep me abreast of anything that is of interest. He recently reached out to me and said, and I'll read from his letter: "If enacted, this legislation would severely and immediately hamper the ability to maintain the critical operations provided to the people of the Kennebec Valley, costing $9.75 million. Increasing free care, with an annual impact to MaineGeneral of $1.5 million. Limitations of the collection period, doubling the current process, would impact the budget negatively by $8 million. Changing terms to a minimum of two years and a maximum payment of 3% to a monthly gross would have a severe impact, yet uncalculated. Other aspects of the bill would require us to hire additional administrative staff, with an estimated cost of $250,000 a year. Maine General works hard to address the patient debt concern. We've instituted a successful 0% loan program and have tiered payment plans. If enacted, this legislation would limit the structure of our repayment plans and would undoubtedly add additional negative impact to our financials." Nate Howell, CEO, MaineGeneral Health, has asked me if I would oppose LD 1955 and I told him I would.

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

Representative **MEYER**: Thank you, Madam Speaker. We've heard quite a bit about medical debt today. Mainers hold a particularly high burden of medical debt in relation to other states, with 15% of all Mainers holding some medical debt in collections, compared with 11% nationwide. Rising medical debt is the result of multiple factors, but affording health care is particularly challenging to low-income adults, many of whom remain uninsured or underinsured and lack the cash to pay for unexpected medical bills.

This bill would clarify the rules and procedures for free care programs, making them easier for Mainers to understand and increasing the obligation on the hospitals to make patients aware of their options. This would ensure that people who are currently eligible for the program actually receive the help they qualify for. Likewise, the bill's provisions to require compliance with federal price transparency regulations and to inform patients when procedures are not covered under their free care would allow Mainers to make the best decisions about their health care and avoid the impact of unexpected medical bills.

Nonprofit hospitals in Maine are currently required federally to provide free and medically necessary services to patients with incomes up to 150% of the federal poverty level; 1955 will increase the income limit for hospital free care up to 200% statewide. Some hospitals are already up to 200%, this will make it statewide. A uniform application will be developed, available in multiple languages, with interpreted services for the deaf and hard of hearing patients, and codifies the federal requirements for hospitals to widely and accessibly publicize their free care programs.

LD 1955 will remove some of the worst burdens of unaffordable health care for our most vulnerable Mainers and will provide benefits like price transparency and debt collection regulation for all of us. Madam Speaker, many iterations of this bill were worked on and there were a number of different amendments, all of which were worked very closely with the hospital systems until we finally landed on something that was agreeable to everyone, including the hospital systems, and that is the amended language that I have moved today. 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. 501**

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

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, 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, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Costain, Cray, Galletta, Lanigan, Moonen, White B.

Yes, 80; No, 64; Absent, 6; Vacant, 1; Excused, 0.

80 having voted in the affirmative and 64 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-946)** 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-946)** and sent for concurrence.

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

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Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-948)** on Bill "An Act to Enact the Interstate Social Work Licensure Compact"

(H.P. 1364) (L.D. 2140)

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

PERRY of Calais
ARFORD of Brunswick
CLUCHEY of Bowdoinham
MASTRACCIO of Sanford
MORRIS of Turner
NUTTING of Oakland
PRINGLE of Windham
SWALLOW of Houlton

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

Signed:

Senator:

BAILEY of York

Representatives:

CYRWAY of Albion
MATHIESON of Kittery

**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" (H-948)** 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-948)** and sent for concurrence.

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Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-958)** on Bill "An Act to Require Health Insurance Coverage for Federally Approved Nonprescription Oral Hormonal Contraceptives"

(H.P. 1411) (L.D. 2203)

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 Not to Pass** on same Bill.

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

CYRWAY of Albion
MORRIS of Turner
NUTTING of Oakland
SWALLOW of Houlton

**READ**.

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

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

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

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

Representative **MORRIS**: Thank you, Madam Speaker. I rise in opposition to the pending motion. I want to be very clear as we begin this discussion. The Committee last year worked in a bipartisan manner to make birth control and contraceptives more accessible by allowing them to be sold over-the-counter, by allowing pharmacists to be able to prescribe, to make it more accessible for people. We all agree that that is an important thing. As you know, under the federal ACA, birth control is already required to be covered by insurance plans, so, that is true of a state-based plan or a federal plan.

The issue with this is this, to my knowledge, would be the first time that we would be mandating that insurance would have to cover an over-the-counter medication. And I think that that creates some issues, particularly with cost; as more of these come onto the market, they may have different cost levels and it could become very problematic in trying to control cost. Additionally, this also includes emergency contraceptives, which were added in the final amendment. Obviously, there's another concern there as it relates to cost and the potential; there's no real guardrails in this bill about limits on those types of things and I think that can become very problematic when you're talking about the costs, and as we are in a time of rampant inflation and particularly medical inflation, I just think at this point; we've done a lot of work on making contraception more available to people, I think that this bill is probably not prudent. So, I would encourage this Body to reject this motion. Thank you.

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

Representative **ARFORD**: Thank you, Madam Speaker. In some ways, I believe that this motion speaks for itself, because I believe that the option of a woman, and oftentimes her partner, in terms of choosing when and where they want to start a family; I think the more options they have for ways in which to bring that decision to fruition, to ensure that when they do start their family, they are able to do it when they're able to provide for the new member of their family, when they are emotionally and psychologically ready to bring this new member into the world and welcome it as a member of our family. It seems to me very clear that that's something that I know I would want to support, and I invite my colleagues to also consider supporting.

But in terms of why this is so important; I was very inspired. This is why the bill came about for me; I was inspired by the very first-ever oral hormonal contraceptive, which we all refer to as 'the pill,' the very first-ever product being available; the key here is actually without a prescription. That's the key to this. In other words, the woman does not have to go through the additional step of seeing a health care provider; the cost, the time, the effort and, in Maine, the availability. In many of the rural parts

of our State, it's simply not available, they don't have a family planning or a Planned Parenthood clinic, or they don't have a provider's office. And if they do, they're going to have to wait a month or two or three or longer to get an appointment.

So, for us folks here in Maine, having this option is critically important. And so, I just want to say I think this is something to celebrate. I know I'm celebrating having this product on the market now. It's FDA approved, the only difference is it does not require a prescription. And yes, it can be sold over-the-counter as a result. And so, all this bill does is say for those people who have insurance coverage that is regulated here in the State of Maine, that we are expanding the coverage to include this product. That's all it does. And I appreciate the support of this Body. 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. 502**

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

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, 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, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood.

ABSENT - Collamore, Galletta, Lanigan, Moonen, White B.

Yes, 81; No, 64; Absent, 5; Vacant, 1; Excused, 0.

81 having voted in the affirmative and 64 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-958)** 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-958)** and sent for concurrence.

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

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Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-950)** on Bill "An Act Regarding the Maine State Cemetery Preservation Commission"

(H.P. 781) (L.D. 1233)

Signed:

Senators:

BALDACCI of Penobscot
LYFORD of Penobscot

Representatives:

STOVER of Boothbay
ABDI of Lewiston
ADAMS of Lebanon
COPELAND of Saco
DHALAC of South Portland
GREENWOOD of Wales
POMERLEAU of Standish
RISEMAN of Harrison
SINCLAIR of Bath
UNDERWOOD of Presque Isle

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

Signed:

Senator:

NANGLE of Cumberland

**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" (H-950)** 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-950)** and sent for concurrence.

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

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Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-947)** on Bill "An Act to Change the Taxation of Rental Tangible Personal Property to Make It Consistent with the Predominant Method in Other States' Rental Industry Laws for Sales and Use Tax"

(H.P. 1278) (L.D. 2000)

Signed:

Senators:

GROHOSKI of Hancock
CHIPMAN of Cumberland

Representatives:

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

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

Signed:

Senator:

LIBBY of Cumberland

Representatives:

LIBBY of Auburn
QUINT of Hodgdon
RUDNICKI of Fairfield

**READ**.

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

Representative CARMICHAEL of Greenbush **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. 503**

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

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

ABSENT - Galletta, Lanigan, Moonen, Perkins, White B.

Yes, 79; No, 66; Absent, 5; Vacant, 1; Excused, 0.

79 having voted in the affirmative and 66 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-947)** 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-947)** and sent for concurrence.

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

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Eight Members of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-954)** on Bill "An Act Concerning Prior Authorizations for Health Care Provider Services"

(H.P. 485) (L.D. 796)

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

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-955)** on same Bill.

Signed:

Representatives:

CYRWAY of Albion
MORRIS of Turner
NUTTING of Oakland
SWALLOW of Houlton

One Member of the same Committee reports in Report "C" **Ought Not to Pass** on same Bill.

Signed:

Senator:

BRAKEY of Androscoggin

READ.

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

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

Representative **MORRIS**: Thank you, Madam Speaker. I just wanted to speak briefly on this bill. I want to say I have a great deal of respect for the Good Representative from Windham who sponsored it, a great deal of respect for the fact that I know she spent her career as a health care provider and the frustrations that no doubt health care providers and patients feel when dealing with prior authorization.

Certainly, our feeling in the Minority was that the issue; the study should certainly be done, we fully support the study. Some of the other provisions of the bill, we have concerns about moving forward at this time that have a potential to have an impact on cost. We thought the study should be done first. The study is in both Reports, so, I just wanted to rise and state what our position was on this bill and thank you very much.

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

Representative **PRINGLE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise today in strong support of the pending motion. LD 796 makes critically important changes to the prior authorization process and administrative process used by insurance companies that, when used inappropriately, can delay and prevent a patient from accessing medically necessary health care. As a physician, I will tell you that prior authorizations often do not support evidence-based medicine, and they do represent a very expensive administrative cost to the health care system and are a large factor in producing physician and other provider burnout

because of the administrative burden that is being placed on them.

First, let me start with what the bill does not do. It does not eliminate the prior authorization process. These processes were put in place because, as you know, health care is pretty expensive and, unfortunately, we have multiple payers and they each have their own systems, and there are providers who want to suggest care that may not be medically necessary; there may be less expensive ways. For instance, people with back pain may not need back surgery, it's often shown that physical therapy and noninvasive treatments, less expensive treatments, actually have better outcomes. So, we're not arguing that the process isn't appropriate. What we're arguing is when it's being used aggressively by payers to not pay claims and to prevent patients from getting the care that they need.

LD 796 does shine a light on the impact of prior authorizations on patient care by requiring insurance carriers to publicly report data on their use of prior authorizations, including what medical services require a prior authorization and how often carriers deny a prior authorization request. And I would note that these are not new reporting requirements, as the proposed requirements closely mirror federal data collection requirements on insurance products like Medicare Advantage. It also allows medical providers to appeal prior authorization denials to the Bureau of Insurance instead of leaving patients to fight the carriers on their own. Currently, only patients have the right to pursue an appeal of a PA denial. However, often denials are couched in complex medical terms best understood by providers. And also, patients may be in the middle of a new life-threatening diagnosis such as cancer or serious heart disease or stroke, and their ability to have the energy, the emotional energy to appeal a company's denial to pay for the care they need is tough. So, one of the key components here is this will allow a provider; with notice to the patient and the patient's approval that they will do the appeal on their behalf; that the provider may appeal directly to the insurance company.

In my opinion, the most important thing the bill does is it prohibits prior authorization practices that are abusive and delay access to care. So, what are examples of abusive behaviors? It's like denying coverage of a medically necessary procedure because the surgery couldn't be completed on the exact day that was included in the prior authorization request. So, when there's a snowstorm and a procedure gets postponed for a couple of days, the carriers reject the claim and unilaterally decide to pay nothing for the care because the PA was for a different day. So, this bill puts a window, 14 days before and 14 days after the date of the procedure or the care was dated for and approved for because it was medically necessary. So, a particularly egregious example of this was provided in the public hearing: In November 2022, when school shootings were reported across the State, Maine Medical Center and Southern Maine Health Care cleared their operating rooms to respond to the reports of mass casualties in Sanford. As we all know, those reports were, thankfully, found to be hoaxes, but the surgeries that were originally scheduled that day required new authorizations because they were not performed on the approved date. This is simply wasteful administrative expense and it affects the whole system. LD 796 provides that the prior auth approval is good for 14 days before and 14 days after the original scheduled date.

LD 796 also provides that a carrier cannot deny coverage of medically necessary care just because of an administrative error. For example, a patient with atypical atrial flutter, a heart rhythm problem, is referred to a hospital for a cardiac procedure to correct the problem. Four procedure codes were approved by the carrier through a prior authorization, including the diagnosis code atypical flutter. The hospital billed three of the codes that received prior authorization approval, but accidentally billed the fourth code incorrectly. So, again, a mistake. Instead of the carrier denying the incorrectly submitted code, which was for a little under $5,000, the carrier denied the entire claim, which was for over $150,000, which the provider, not the patient, had to absorb. So, talk about cost shifting of things that you do and don't get paid for and then who pays for the care that the hospital has to give to other patients. This is wrong. The procedure was medically necessary, it met the carrier's standards and it should be paid by the carrier. Instead, they hid behind bureaucratic rules and paid nothing. LD 796 prohibits a carrier from denying the claim in its entirety, but it does allow them to impose a 15% penalty on the provider. This is still pretty significant when you look at the operating margins that our hospitals are working under. So, who here would just ignore a 15% cut to your salary?

This is a reasonable bill that addresses a real problem that impacts patients. We have had in the Committee many physicians, many primary care physicians who came and testified about their frustrations in getting care for their patients and how it was emotionally draining. You go into a profession to care for people, they have insurance, they're supposed to cover it and then, someone puts a barrier in front of you. We heard about the previous Legislature actually put in rules about how quickly carriers have to respond to requests for prior authorization, and for emergency situations, it's within a certain timeframe and for nonemergent, it still is within a week or two. And we were hearing that they were denying medically necessary claims and the appeal process required a peer-to-peer call and yet, there was no accommodation to the primary care doc's schedule, who's seeing patients all day, every day. We had example after example of patients who had medical harm because of the delay in access to care. And some of you may have seen articles in the *Wall Street Journal* about some of these payers, who are now for-profit insurance companies, who arbitrarily decided to deny all claims up to $300, not based on an algorithm of medical necessity, but just, oh, most people won't take the time to fight a claim for that much. And it was well documented in the *Wall Street Journal*.

Also, *Wall Street Journal* had an article that CVS Health has recently decided to eliminate their prior authorization process, because they recognized that denying care early often leads to more expensive care and worse problems later. And so, they are re-looking at the whole use of prior authorization because it turns out it's costing them money down the road. So, I really urge you to support this motion. Thank you for listening.

Subsequently, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-954)** 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-954)** and sent for concurrence.

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

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Six Members of the Committee on **TAXATION** report in Report "A" **Ought to Pass as Amended by Committee**

**Amendment "A" (H-945)** on Bill "An Act to Make Changes to the Farm and Open Space Tax Law"

(H.P. 1060) (L.D. 1648)

Signed:

Senator:

GROHOSKI of Hancock

Representatives:

PERRY of Bangor
CROCKETT of Portland
HASENFUS of Readfield
MATLACK of St. George
RANA of Bangor

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

Signed:

Senator:

LIBBY of Cumberland

Representatives:

CARMICHAEL of Greenbush
LAVIGNE of Berwick
LIBBY of Auburn
QUINT of Hodgdon
RUDNICKI of Fairfield

**READ**.

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

Representative CARMICHAEL of Greenbush **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amend**.

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 Greenbush, Representative Carmichael.

Representative **CARMICHAEL**: Thank you, Madam Speaker. Madam Speaker, there's two-thirds of this bill that I think everybody agrees with, pretty much. The first part is the public use, that gives a 25% reduction in land values. Everybody can see the value there. The second part is a 20% reduction in valuation for setting land aside for habitat for animals and such and, you know; and the way the land is getting squeezed today, that's an important value.

But the part that I had trouble with is it also gives 20% reduction for green energy projects and the guardrails on that, I didn't think was well defined and I think that it didn't define the need in the area well enough and, you know, we don't need to give a deduction in valuation just on basis of a project, we need a need for the project as well. So, on that basis, I ask that you not support this Report.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Boyle.

Representative **BOYLE**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I submitted this bill last year and it was complicated enough that it was carried over into this session. LD 1648 adjusts the valuation method for the Open Space Tax Law to bring it into alignment with the more frequently used Maine Tree Growth Tax Law. This adjustment alone will help landowners and municipalities to better understand and implement the program.

A diverse group of organizations came together last year and worked through the winter in support of this bill and we all came out with this language, including working with the Taxation Committee, organizations like conservation groups, small landowners, the forest products industry and the Maine Municipal Association. In addition to adjusting the valuation method, this bill serves to clean up and modernize the valuation categories. Current law for open space includes vague and somewhat redundant valuation categories that aren't reflective of current land management needs and trends. This bill updates the criteria that was developed in the '80s to focus on current priorities that serve Maine's forest management, wildlife and climate goals, including public access, wildlife habitat management, carbon forest management and permanent land protection. These new categories are more clearly defined to ensure accountability and compliance, which strengthens the program and supports municipalities.

LD 1648 also addresses the issue of municipal reimbursement. Currently, there is no requirement for municipal reimbursement for revenue lost as a result of being enrolled under the Open Space program. Maine Tree Growth Tax Law requires municipal reimbursement and we know that municipalities have long been concerned about the lack of parity for these other programs. This bill requires the State tax assessor to reimburse municipalities in a manner like the method of reimbursement under the Maine Tree Growth Tax Law. I hope you'll vote in support of the pending motion. Thank you, Madam Speaker.

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

Representative **FOSTER**: Thank you, Madam Speaker. I just will rise to say I'm greatly concerned about what is already highly subsidized solar industry at the cost to Maine ratepayers, that we would also extend this tax break for those applications. Thank you.

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

**ROLL CALL NO. 504**

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

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

ABSENT - Galletta, Lanigan, Moonen, White B.

Yes, 79; No, 67; Absent, 4; Vacant, 1; Excused, 0.

79 having voted in the affirmative and 67 voted in the negative, 1 vacancy with 4 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-945)** 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-945)** and sent for concurrence.

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

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**CONSENT CALENDAR**
**First Day**

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

(S.P. 610) (L.D. 1537) Bill "An Act to Amend the Laws Relating to the Prevention of Perfluoroalkyl and Polyfluoroalkyl Substances Pollution and to Provide Additional Funding" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-683)**

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence.

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**ENACTORS**
**Acts**

An Act to Enact the Agricultural Employees Concerted Activity Protection Act

(H.P. 330) (L.D. 525)
(C. "A" H-934)

An Act to Bring Fairness in Income Taxes to Maine Families by Adjusting the Tax Brackets

(H.P. 779) (L.D. 1231)
(C. "A" H-924)

An Act to Protect Consumers by Licensing Home Building Contractors

(H.P. 1237) (L.D. 1929)
(H. "A" H-941 to C. "A" H-929)

An Act to Create a Universal Exclusion List for All Forms of Gambling in the State

(H.P. 1339) (L.D. 2080)
(C. "A" H-933)

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.

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**Resolves**

Resolve, to Require the Office of Tax Policy to Study the Adoption of a Pass-through Entity Income Tax

(H.P. 1212) (L.D. 1891)
(C. "A" H-917)

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

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

**UNFINISHED BUSINESS**

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

Expression of Legislative Sentiment Recognizing Colleen Adams, of Sanford

(HLS 788)

TABLED - March 6, 2024 (Till Later Today) by Representative MASTRACCIO of Sanford.

PENDING - **PASSAGE**.

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

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An Act to Require Health Insurance Coverage for Specialized Risk Screening for First Responders and Other Public Safety Professionals

(S.P. 199) (L.D. 444)
(C. "A" S-636)

TABLED - April 9, 2024 (Till Later Today) by Representative PERRY of Calais.

PENDING - **PASSAGE TO BE ENACTED**.

On motion of Representative PERRY of Calais, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-636)**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-636)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-959)** to **Committee Amendment "A" (S-636)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Thank you, Madam Speaker. This amendment is a result of negotiation with the Superintendent of the Bureau of Insurance and what this amendment does is it pushes out the enactment date by two years.

Subsequently, **House Amendment "A" (H-959)** to **Committee Amendment "A" (S-636)** was **ADOPTED**.

**Committee Amendment "A" (S-636) as Amended by House Amendment "A" (H-959)** thereto was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-636) as Amended by House Amendment "A" (H-959)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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

Representative **CLOUTIER**: Thank you, Madam Speaker. Madam Speaker and Women and Men of the House, last night was an incredibly difficult one for me, my community, the people of Maine and every Member of this Body. I do not wish to rehash the comments or vitriol that consumed this Chamber. What I do want is to call attention to what I consider to be real leadership on behalf of two of my colleagues. I want to extend my most sincere, heartfelt thank you to the Representative from Rumford and the Representative from Buxton for their remarks following a very contentious debate, and for the courage and compassion that it took to deliver them. It takes strength to speak to one's convictions, especially when they unpopularly contradict with the members of their own Party. Their words embodied both civility and respect and I am grateful today to call them my colleagues and friends. Thank you, Madam Speaker.

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

**ENACTORS**

**Acts**

An Act Regarding Legally Protected Health Care Activity in the State

(H.P. 148) (L.D. 227)
(C. "A" H-953)

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

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

The Chair ordered a division on **PASSAGE TO BE ENACTED**.

A vote of the House was taken. 79 voted in favor of the same and 67 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-961)** on Bill "An Act to Support Suicide Prevention by Allowing the Voluntary Waiver of Firearm Rights" (EMERGENCY)

(H.P. 1343) (L.D. 2119)

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

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

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

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

**READ**.

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

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

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

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

Representative **POIRIER**: Thank you very much, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, this bill came to Judiciary with the best of intentions, but raised more questions than solutions.

The bill, now turned into a study, proposes a path where people can put themselves on the NICS list to prohibit sales of firearms in the hopes of preventing suicide. It was suggested that an individual could report to the police or the courts to put themselves on a no-sell list and could relinquish their firearms that they may currently own to law support or an FFL dealer. Neither courts nor law enforcement want to take this responsibility. Further, there is nothing in current law that would prevent a person from bringing their current firearms to an FFL for safekeeping.

Details of the bill were not worked out, even after the initial public hearing and work session. The reason I oppose this bill the most is, even though it's a study, it's because there's no clear path to move the bill forward. In fact, the idea to relinquish firearms to prevent suicide did not even carry a single component of help or mental health care for a person that would obviously be in crisis at that time. Madam Speaker, this bill doesn't warrant spending taxpayer money for a study. I appreciate the Representative's great efforts in bringing this forward and I think we all realize that we have to do more in mental health to help prevent suicides, but this isn't the avenue to do it. Thank you.

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

Representative **DOUDERA**: Thank you, Madam Speaker. Ladies and gentlemen, Madam Speaker, I'd just like to tell you a little bit about this bill, which has been changed into a study.

I think we all know that suicide is a public health crisis, and our suicide rate in our State is consistently higher than the national average. Nearly 89% of our firearm deaths in 2021 were suicides. Suicide attempts are often impulsive acts and a majority of people who attempt suicide do not go on to die by suicide, but those who reach for a gun during a suicidal crisis rarely have a second chance. Madam Speaker, the Harvard School of Public Health has said that many suicide attempts occur with little planning during a short-term crisis. Intent isn't all that determines whether an attempter lives or dies; the means that they choose also matter. Ninety percent of people who

survive a suicide attempt do not go on to die by suicide later. Access to firearms is a risk factor for suicide.

Reducing access to lethal means such as firearms saves lives. So, there's several policy measures that can help in our State to curb our suicide rate by firearm, and one that's gaining traction around the country is called Donna's Law. And with this legislation, a person may waive his or her right to purchase or receive a firearm by filing a voluntary and confidential waiver of firearm rights. This waiver may also be confidentially revoked at a later date. In a nutshell, the idea behind Donna's Law is that suicidal people can be empowered to act to promote their own health and safety by limiting their access to guns during mental crises.

I spoke, Madam Speaker, to a gun shop owner in Auburn after we were both on Maine Calling about this bill and he said, you know, this reminds me of what is done in casinos, and he said, it's a good idea. I want to read a quote from a person in another state who testified for this and said, "this bill will give people prone to suicidality the agency to make decisions about their own access to guns during periods when they are not actively suicidal. I have mental clarity most of the time, but I know the storms will come again. I want to have the ability to preempt crises. I want to have the ability to protect myself from the version of me that is not thinking clearly. People who are prone to suicidal thoughts and behaviors need this bill, which allows us to protect ourselves from our unwell selves. We need this policy, which gives us the agency to make preemptive decisions about our own health. Please give us the tools to preserve our lives."

So, three states; Utah, Virginia and Washington; have enacted a version of this legislation. The bill is working; about 100 people have signed up in the states where it's already on the books. Many more people want to participate. In one study, 46% of the people receiving psychiatric care said they would sign up. And Madam Speaker, in the public hearing testimony, we heard from NAMI Maine, we heard from the medical community and we heard from many members of the public who have family members who have committed suicide or who are suicidal, and they were all in favor of this bill.

So, it's been amended to be a study and the Good Representative from Skowhegan is correct that, you know, we had not yet figured out all the details. And when I spoke to Commissioner Sauschuck about it, he was the one who suggested we do a study and really look at the best way to implement this for Maine. We're going to have a task force with 13 people: someone who's an expert in gun safety; someone from an organization focused on mental health; a federally licensed firearms dealer; an expert in suicide prevention; someone from a statewide firearms organization; someone from a civil liberties organization; a member who's a veteran and a member of a statewide organization of people who hunt, fish or trap; the Commissioner of Public Safety or his designee and the Chief Information Officer with the Department of Administrative and Financial Services.

And we can figure out the best way to do this for our State, because other states have done it in many different ways. In some states, you can text, you can take a picture of yourself, a picture of your license and send a text that you'd like to be put on this list. We may want to do an online system in Maine. But we can explore it, make sure that we think it's a good idea and how we will do it. Things we'll discuss would be what costs will be incurred, how do we ensure confidentiality, how we ensure that revoking the waiver is easy to do and easily available, ensure that the system has proper safeguards to prevent coercion or fraud and any penalties if people abuse it. We also will be talking in that, about this idea of the 'hold my guns' project, in which gun shops will voluntarily hold peoples' guns and producing a firearm type agreement where they'll hold guns for people who might be going through a divorce or they're moving or they're getting deployed and those kinds of things.

So, you know, I think we have to realize, and I hope that you, Madam Speaker, and the rest of this Body realizes that we have a problem in this State with suicide and suicide takes an incredible toll not only emotionally on the families who endure it, but the communities, the children, the first responders and the costs to our State from suicide are also staggering. Suicide costs Maine a total of $211 million combined lifetime medical and work loss in 2010, or an average of $1,134,000 per suicide death. So, it's my hope that by exploring a way, maybe two ways that we can cut down on the high amounts of firearm suicide in our State by studying this issue, that we can eliminate some of this heartache in our State and really make a difference. So, thank you very much.

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

Representative **DRINKWATER**: Thank you, Madam Speaker. I won't be long. I know we're all tired here tonight and I'll just make this quick.

I am looking at a news article from WABI, the first station in the State of Maine, dated June 3, 2022. I'd just like to quote a little bit from the article. Portland, Maine, the idea behind Maine's gun give-back program organized by the Maine Gun Safety Coalition, is to reduce potential gun crimes by destroying anyone's unwanted guns, no questions asked. We're not taking your name, we're not taking your plate number down. And that was from the Falmouth Police Chief. And the approach is modeled on drug takeback programs that have grown throughout the opioid epidemic. So, this is along the same lines. What I do, I do with these guns, I don't want to sell them, I don't want them in the hands of people who could have ill intent with them, I have all this old ammunition, what do I do with it? These are the towns that are participating: Kennebec, Saco, Scarborough, Cape Elizabeth, Yarmouth, Brunswick, Bath, Thompson and Waterville. He described the process as a responsible and legal way for people to dispose of guns that might be laying around their homes.

Madam Speaker, the intent of this bill is spot-on, but we're already doing it. Let's just expand this program that's already in place. 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. 505**

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

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster,

Fredericks, 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, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Galletta, Lanigan.

Yes, 82; No, 66; Absent, 2; Vacant, 1; Excused, 0.

82 having voted in the affirmative and 66 voted in the negative, 1 vacancy with 2 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-961)** 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-961)** and sent for concurrence.

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Six Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-962)** on Bill "An Act to Create a Civil Cause of Action for Persons Suffering Damages Arising from the Sale of Abnormally Dangerous Firearms"

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

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

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

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

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

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-963)** on same Bill.

Signed:

Representative:

LEE of Auburn

**READ**.

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

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

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

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

Representative **KUHN**: Thank you. Members of the House, I rise in support of the pending motion in order to lend my voice in support of 1696, which would impose liability on firearm industry members for knowingly engaging in deceptive or unconscionable advertising that results in injury. The bill is a common-sense measure that is designed to hold accountable those who prioritize profits over public safety.

By deterring deceptive advertising practices, the bill has the potential to prevent tragedies and save lives. When firearm manufacturers and retailers are held liable for the consequences of their advertising, we create a powerful incentive for them to act responsibly. Moreover, the legislation is a crucial tool to enable victims who experience injury from such practices to seek recourse and justice. Often, individuals and families devastated by gun violence find themselves without an avenue for legal recourse against those who may have contributed to their suffering through unconscionable advertising. This bill provides those victims with the means to hold accountable those who have acted in bad faith.

By holding the firearm industry members accountable for deceptive advertising, we send a clear message that the safety and well-being of our citizens are paramount. I hope you will join me in support of this legislation and take a decisive step towards a more safe State. Thank you.

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

Representative **HAGGAN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This legislation is a touchdown for gun control advocates if it passes. Lower standards of proof in civil courts will be used to sue firearm and related part manufacturers and perhaps drive them out of business.

Firearms and not people are the dangerous ones, according to this bill. A person harmed by a firearm can bring suit against the manufacturer and retailers. The federal Protection of Lawful Commerce in Arms Act prohibits bringing a qualified civil liberty liability action in a federal or State court against the licensed manufacturer, licensed seller or licensed importer of a qualified product, defined as a firearm, ammo or component part of a firearm or ammunition that has been shipped or transported in interstate or foreign commerce. A retailer cannot take responsible precautions to prevent sales of firearms or ammo to a person they have no way of knowing is at a substantial risk of using the product to harm themselves or others.

This bill seeks to create a cause of action against the firearm industry members' intentional manufacturing or sale of an abnormally dangerous firearm. Key word is abnormally dangerous. Big retailers, retailers and small gunsmiths throughout the State will be at risk under this bill and wrongful punishments against them for the misuse of firearm products by violent criminals. Violent criminals could use household products or automobiles or any number of instruments to perpetuate harm on victims. As I just stated, abnormally dangerous is a very vague and ambiguous term used in this bill to describe its intended targets; the manufacturers and retailers. How many things in our lives could we ban or sue that could be considered abnormally dangerous? Automobiles, household cutlery, baseball bats, golf clubs, *et cetera*. LD 1696 defines 'abnormally dangerous' as a firearm or related product that is most suitable for assaultive purposes, rather than self-defense or legitimate activities. Legitimate activities; this in itself is incredibly ambiguous, Madam Speaker. Lawyers will have a

field day in court with this sort of language. The standard provides no clear guidance to the firearm industry regarding what firearms would be okay to manufacture and sell in Maine. Under this law, a government agency could label a firearm as simple as a bolt-action .22 rifle or a deer-hunting 30-30 lever action rifle assaultive because an individual could use it for harm against another individual. Talk about taking the Second Amendment way out of context.

It is unreasonable to hold a seller of a firearm and other seller of the same firearm and then the manufacturer of that firearm liable for the unlawful actions of a violent criminal. In the same way, it is unreasonable for Callaway golf club manufacturer and/or Dick's Sporting Goods retailer to be held liable when a criminal uses a three-iron in a violent crime. It is unreasonable for Ford or an auto dealer here in Augusta to be held liable when a vehicle is used in a crime. This bill defies all logic, Madam Speaker. These manufacturers or retailers have no ability to foresee these criminal actions held at some point in the future by a violent criminal. This kind of liability is a profound misuse of power by the State of Maine and would shut down firearm commerce in Maine overnight.

For these and many other reasons, one being that I also am tired and have an hour-and-a-half ride home, I am done. Thank you very much.

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

Representative **MILLETT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I just want to set the record straight that the bill no longer uses that term, abnormally dangerous firearm.

Almost every industry in our country is held accountable through civil liability. If your child is injured by a toy, the toy manufacturer is often found liable. If your child ingests toxic fumes in a building, the building owner is responsible. But not so if your child is shot. Since 2005, federal legislation called the Protection of Lawful Commerce in Arms Act has granted the gun industry incredibly broad exemption from accountability. Gun makers are protected from nearly every potential lawsuit brought by victims of gun violence. But there is an exception in that federal law, an exception that does allow lawsuits against manufacturers who are knowingly endangering the public through irresponsible methods. Say that again; there is an exception in the federal law that allows lawsuits against manufacturers who are knowingly endangering the public through irresponsible methods. This is not about our neighbors, our small shops who are following the law and acting responsibly. This is about bad actors.

Across the country, the persistence of victims has led to progress, with several states implementing measures like this one to hold the firearm industry accountable. About a year ago, both Colorado and Hawaii enacted bills that allow folks to take civil action against manufacturers.

The toy industry isn't the leading cause of death for children in the United States. The building management industry isn't, either. It's the gun industry, and they're all but exempt from responsibility. It's up to states, it's up to Maine, it is up to us to hold them accountable, and this legislation will do just that. Thank you, Madam Speaker.

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

Representative **ARDELL**: Thank you, Madam Speaker. This bill; aside from a being a violation of the Protection of Lawful Commerce in Arms Act, a federal law that protects the firearms industry to help protect our Second Amendment rights, this bill provides a tool to attack this constitutionally protected industry that provides the tools for constitutionally protected behavior.

The Protection of Lawful Commerce in Arms Act protects against the death by a thousand cuts of the firearms industry by lawsuits that, to be quite honest, are a little ridiculous. And please hear me out and be patient. *U.S. v. Miller* was a 1930s U.S. Supreme Court case that, in the ruling, stated arms suitable for militia use are protected by the Second Amendment. Several years later, 2008's *D.C. v. Heller* ruling stated that the right to arms was an individual civil right of the people, and that it protected peoples' right to arms unconnected to their membership in a militia. So, combining these two cases, the Supreme Court stated that the American people have a right to arms suitable for militia use, and then later, in the 21st century, stated that the people have a right to these arms unconnected to militia membership.

In response to some of the other statements; arms are not toys, they're not methods of transportation, they are mechanochemical devices that are designed and have been designed for several hundred years to project kinetic energy at range reliably and accurately. What that means is that they project force. Now, whether that force is to punch holes in paper for an accuracy competition, to ringed steel when, you know, shooting for practice or recreation, or to potentially disable or dispatch an animal at range through sporting activity or to defend oneself against a threat to death or great bodily injury, firearms are designed specifically to project kinetic energy at range, and because of that, they're inherently dangerous. To compare that to toys: a toy may be dangerous, but a toy's intent is not to harm a child, a toy's intent is to be something enjoyable to play with. And the same way, a vehicle, which is, you know, a car or a truck or motorcycle, is inherently dangerous, but the intent of that vehicle is transportation. So, the idea for, let's say, blaming Ford for a drunk driving accident or a vehicular manslaughter is really a little bit silly, because firearms are a protected item that are inherently linked to an individual's civil right and I think anyone with any sense would say they are inherently dangerous.

So, in closing, I'd like this group, this Body, to keep these things in mind and protect a constitutionally protected industry from a civil attack which could be considered a death by a thousand cuts. Thank you, Madam Speaker.

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

Representative **WHITE**: Thank you, Madam Speaker. I'd like to share just one anecdotal reason why this bill would be a dangerous bill for the industry.

As you know, in January; I believe I've stated this here before; in January, I had a law enforcement officer that I've known for more than two decades, a gentleman that's retired from the State law enforcement here in Maine and now works for a local town not in my district, come into my shop and explain a situation that he was very frustrated with. He had responded to an overdose and had saved a lady's life. He had to administer four shots of Narcan to revive her, and as she's coming to, he notices that there's a loaded nine-millimeter handgun and a loaded AR-15 rifle in the room. He unloaded those and confiscated them and then, the following day, followed up with the local gun shop and realized that she had indeed purchased them herself and lied on the forms, violating federal law, saying that she did not have a drug addiction. He then contacted Alcohol, Tobacco and Firearms; they decided that it wasn't a case that they would like to pursue. On the third day, he received a phone call from the District Attorney telling him, because of the Good Samaritan Law that we have in the State,

he had to give those firearms back to the woman. He rejected that notion and argued --

Representative **SHEEHAN**: Point of Order.

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

Representative **SHEEHAN**: Thank you, Madam Speaker, but I fail to see how this or the previous remarks were germane to this bill.

On **POINT OF ORDER,** Representative SHEEHAN of Biddeford asked the Chair if the remarks of Representative WHITE of Guilford were germane to the pending question.

The SPEAKER: The Member may proceed.

Representative **WHITE**: Thank you, Madam Speaker. Please, if I am out of line, let me know.

He was forced by the District Attorney to return these firearms to a woman who is seriously addicted to illicit drugs. It is very likely that those firearms will either be traded for illicit drugs or accidentally discharged, possibly hurting someone, or used in a crime or a myriad of other issues. This law enforcement officer was very reluctant to do so. I feel for him; I would be very reluctant to see this happen.

Now, Madam Speaker, I am a firearms manufacturer. Had I manufactured either of those firearms, customer traded it into the shop and that shop owner, fully intentionally following all of the laws, thought he had made a legal sale in this, background check had came back and this woman lied on the application and received those firearms.

The SPEAKER: The Member will defer. The Chair would just advise the Member if he could try to make the point that is germane to this motion as soon as possible.

The Chair reminded Representative WHITE of Guilford to stay as close as possible to the pending question.

The SPEAKER: The Member may proceed.

Representative **WHITE**: I'm sorry, Madam Speaker. I really don't know how to say it in fewer words.

The SPEAKER: The Chair would advise the Member to speak to the motion at hand and stay germane to the issue.

The Chair reminded Representative WHITE of Guilford to stay as close as possible to the pending question.

The SPEAKER: The Member may proceed.

Representative **WHITE**: Thank you, Madam Speaker. If following all the laws, I manufacture a firearm that ends up in another lawful dealership, sold to a person through all lawful means, that firearm then is in a situation that is unlawful and the law enforcement that responds are rejected from doing the right thing and confiscating those firearms and those firearms are returned to that unlawful situation, will I still be held accountable?

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

Representative **SHEEHAN**: Thank you, Madam Speaker. And I do want to thank the Representative from Guilford. His advice and expertise have been incredibly helpful to me, personally, and I think other Members of the Committee as well. But this bill does not pertain at all unless the dealer knowingly sold a weapon to someone who is known to be prohibited. So, the situation that the Member was describing; that person would not be liable.

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

Representative **POIRIER**: Thank you, Madam Speaker, and I'll be very brief with this. There is a section here in this bill that is extremely concerning to me that I think needs to be brought up. I'll read the section first and tell you why it's concerning. "Whenever the Attorney General has reason to believe that a firearm industry member has engaged in, is engaging in or is about to engage in conduct that violates Section 9003 or 9004;" and it continues, but I don't feel I have to read further.

The phrase "or is about to engage in;" that's very troublesome. I'm not trying to be facetious, Madam Speaker, but since when does our Attorney General have the power to foresee the future? Our Attorney General can charge a person with a civil infraction, charge them up to $100,000 for each violation, for something he thinks that person might engage in or is about to engage in. No crime is yet committed. This is beyond the boundaries of what we should be doing in our laws. It's very troublesome and I think we'll find that just that language in itself will face scrutiny in our court systems. We need to be careful of our words; words matter. Nobody can predict for certainty what somebody is about to engage in. Are we going to have people following a person into a firearms dealer, checking them out and then following them to another one because they think this person shouldn't be buying something and they perhaps might, they're about to? This is just wrong, Madam Speaker.

We need to do the right thing, keep our laws that are on the books already, a lot of these things are covered. It's already illegal to do illegal activities with firearms. These words are just going to bring more trouble to our State, Madam Speaker. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sheehan, and inquires as to why she rises again.

Representative **SHEEHAN**: I promise this is the last time I'll rise, Madam Speaker. But I did want to point out that the Attorney General frequently engages in investigations over suspected crimes, certainly not just this one, but that's actually his primary job is to investigate what he believes may be criminal activity. And yes, the civil penalty is quite high, but if the investigation does not turn up evidence that there's been an infraction, there won't be any fines.

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

Representative **KUHN**: Thank you, Madam Speaker. Just two quick points. First, there might be some confusion here between the original bill and the amended one that's been moved this evening. The current bill does not relate to the dangerousness of a weapon; it relates to deceptive or unconscionable or unlawful sales and marketing.

I also just wanted to briefly address the interaction with federal law, because we heard a little bit about that. There is immunity under a federal law called PLCAA for certain types of behavior on the part of gun manufacturers. However, Congress enshrined in that law a specific exception for knowingly violating a State or federal law in the sale or marketing of that product, which is exactly what this bill is seeking to create, so, there's no actual preemption there. Thank you.

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

**ROLL CALL NO. 506**

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

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

ABSENT - Galletta, Lanigan.

Yes, 76; No, 72; Absent, 2; Vacant, 1; Excused, 0.

76 having voted in the affirmative and 72 voted in the negative, 1 vacancy with 2 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-962)** 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-962)** and sent for concurrence.

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

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**ENACTORS**
**Bond Issue**

An Act to Authorize a General Fund Bond Issue for Research and Development and Commercialization

(S.P. 197) (L.D. 416)
(C. "A" S-669)

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

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

Representative **MILLETT**: Thank you, Madam Speaker, Ladies and Gentlemen. If I might, I'd like to do a very quick history on the bonds that are coming before us either tonight or later in the session, because we're down to three. We started last January with 18 bond bills before the First Regular Session asking for $950 million. Due to the longer timespan on the two majority budgets, both in late March and late July, we never really got to acting upon them, even though each had had a hearing. So, they were all carried forward, and early this session, the Chairs and Leads decided to have updated testimony from those that were still viable. We had those conversations in January.

We later got a good presentation from the State Treasurer and the Office of Fiscal and Program Review as to the status of our bond debt and it was very encouraging. I found it the most enlightening news on debt services as a major cost center in a long period of time. And the reason is that we had not given a bond question to the voters either in '23 or '22 or '21. And those were caused by a way to cover the highway roads and bridges in the 130th and the delays of last year. The result of that was we have reduced our entire debt service owed on general obligation bonds down to a total of $664.3 million. And that is really good news because we are retiring, during this biennium, a total of $199 million. In the next biennium, we will reduce or retire another 161. A 64% in our outstanding obligations, resulting in the debt service cost for this year, next year, and the next biennium, are on a downward trend like I've not seen in decades. And that is illustrated by a good number, for example, starting in the year that we're now in, we owe $131.5 million. This is for principal and interest costs still outstanding for debt that we authorized, the voters authorized, the Treasurer issued and we are now paying principal and interest on from prior issues. That will drop this year alone to $116.5 and next year to $110. It's the largest drop in debt service in a long period of time.

Now, I'm a fiscal conservative, I've never felt bonding was a good way to jump on even in the good interest times, but now, I'm looking at this from a point of view of our struggle with the current services, supplemental budget and the future. And I really see an opportunity where we could do some constructive investments in the infrastructure of our State and our municipalities in a way that would return economic value to the Maine Revenue System and create a lot of good jobs for our employees in the construction industry.

So, giving credit to what we knew as a Committee, the Chairs and Leads, including Representatives Ducharme and Sachs, took a look at those bond bills from last year and questioned themselves whether we could, in the same period of time we're dealing with over $300 million of one-time money, justify coming to you with some legitimate bond issues on a much scaled-down level. Their conclusion was, and the Committee voted out unanimously on three bills. And the first of them is on this supplement.

It's LD 416, it's a bill dealing with research, development and commercialization, which the Majority Leader and I have co-chaired a caucus on this year and the focus is on commercialization and getting projects started that will have a return on investment, a significant one. Sometimes, in this history of that particular type of program, we've had a five-to-one return on the investment. To make a long story short, the one before us right now has been scaled down from $100 million to $25 million. It is a bond bill that would go to the actual Department of Economic and Community Development through the Maine Technology Institute. And they would issue bonds on at least a one-to-one match, both from private and federal monies, for projects that would be actually high-tech research and development leading to commercialization.

This being the first of the three, I just wanted to make a quick pitch for it, and while I know that there are a lot of people here who are sworn not to vote for bond bills, it seems to me in this good times, if we were to selectively look at these three with an open mind, I believe they would address the fiscal restraint which the Chief Executive; and I happen to agree with her; see

coming down the line, when General Fund revenues in the upcoming fiscal biennium appear to be flattening, and flattening significantly. So, at a same time when we're struggling to get a bill back from the other Body to address the flood money that is pending, and it is in total 50 or 60, depending on how we go, to get those waterfront, inland and economic development losses addressed through construction activity, this total package of the three bonds that are pending; this one, LD 912, which is addressing restoration of community historical buildings and a trails bond, LD 1156, coming later on a supplement that is for $30 million. A total package of 65. I believe strongly in my own heart that these bonds, if we could get them through and have them go to the voters, if they approve them, layering on top of the flood money that's going to get out there sooner or later, our construction people in the State of Maine would have a resurgence of opportunities to pull together competitive projects and complete them during the time between now and mid-biennium upcoming, that would help our economy. It would help the State economy, it would help the local economy, where the trails and the historic buildings are located, and I'm really in favor of these three questions.

I will stop now and just say there are others here that are; as co-sponsors of LD 416, which I am, it is sponsored by Senator Pierce from the other Body, that would like to speak in favor of it. And I know the caucus, we had with five meetings during the winter talked about this repeatedly. It is in those areas of high technology that affect all of our districts, and I really believe if there's interest in pursuing them, we ought to start now and be thinking openly about some constructive debt service obligations that can be managed easily within our current debt service trend. And I support this bill and would urge others to weigh in on it as well. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Ducharme.

Representative **DUCHARME**: Thank you, Madam Speaker. Sorry, I thought I had pushed the button before. I rise tonight again in terms of this bond issue, this bond package here, particularly the R&D bond.

Several years ago, if you had asked me to stand and speak in favor of an R&D bond, I probably would've said no. As a voter, I hadn't supported a bond issue in years and years and years. One of the reasons I always was struggling with supporting bond issues was we always seem to have all of these research and development bonds and could never see any real benefit from them. And I started talking to some of the R&D folks and said, you know, are we getting anything for this? Because that's really the name of the game, do we get something from this? And so, after starting those conversations, I started having more conversations with people who were working in this space and finding out who is benefiting from them besides the Maine people, because that's who's really benefiting from them, but the companies that are being helped. You know, we've heard in the R&D and commercialization caucus that we've had here, we've had folks in here from the Roux Institute, University of Maine Process Development Center, FOR/Maine, the forestry people, have benefited from some of these bond issues. Tanbark molded fiber products, Ocean Renewable Power Company, Bigelow Labs, Darling Marine Center, Maine Aquaculture, Ready Seafood and a place that's really, really, really important to me, TimberHP in Madison.

So, I ask you to support this bond. It's kind of forward-looking for what's coming down the pike. Like the Good Representative from Waterford said, we know we have a flattening of revenues and this is just going to kind of position ourselves to continue this research that we've been doing and has been beneficial for the State of Maine for the last few years. Thank you.

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

Representative **BLIER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'll be brief. One thing that's important to hear here is that this is a great economic impact to our State. The last round of resources of $45 million brought a return of $1.2 billion. And so, that is a huge impact to our State. I am in favor of this bond and I hope that you follow my light. Thank you.

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

Representative **STROUT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I've been lucky enough to have a career that was funded by research and development when I worked at the Jackson Laboratory for 16 years. It gave me a lot of great opportunities. I've traveled around the U.S., I've spoken to Nobel Prize winners and I come from Washington County, where you've heard me talk about a lot of the other agricultural and seasonal industries.

So, in addition to that, I'm lucky enough to have the Downeast Institute in my area. They work with the shore and they're really saving the clamming industry; we have invasive green crabs that are coming in, they're doing a lot of research to help with that industry. And then my current job, I work for a startup company that also gets some funding from the research and development options.

So, I understand it's a lot; I honestly never voted for bonds, either, I'll be truthful with you, until I understood really the impacts. And the way that our economy is going, I think we should encourage more people to do some research and make use of the local opportunities that we have and the timber and the agricultural. So, I hope you support the bill. Thank you.

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

Representative **SARGENT**: Thank you, Madam Speaker. I'm delighted to join my colleagues in giving my strong support for this measure. Not only are the things that have been mentioned absolutely accurate, but I would say that this is also an extraordinary time for Maine. As you look at the kind of industry that will be necessary and has opportunity; timber, alternative wood products, all of our aquaculture, seaweed; it goes on and on, our bioproducts and, of course, our great institutions like Jackson Laboratory; we need to seize this opportunity.

Right now, Maine ranks 49th in its investment in research and development. We have enormous potential right now and this is a prudent investment that will bring great results, create good jobs and help us build that workforce that we need, the 75,000 people we hope to keep and attract to our State. So, I hope that everyone will seize the opportunity and vote for this bond. Thank you.

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

Representative **LIBBY**: Thank you, Madam Speaker. I will keep this very brief. Madam Speaker, I do not generally support bonds, I cannot think of one that I have, and I do not plan to support this one today.

I can't argue that there are strides to be made in research and development, but I do know that we have an enormous surplus of tax money that has already been taken from Maine people, and if this research and development is so critical, I am sure that these funds could come from that $373 million in surplus rather than borrowing further funds. Madam Speaker,

my vote will be for Maine people to have us be fiscally prudent on their behalf and it will be against this bond and the bonds to follow.

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 116 voted in favor of the same and 23 against, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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**Resolves**

Resolve, to Establish the Commission on Predictability of Mandated Overtime for Pulp or Paper Manufacturing Facility Employees

(S.P. 719) (L.D. 1794)
(C. "A" S-670)

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

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

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**Bond Issue**

An Act to Authorize a General Fund Bond Issue to Restore Historic Community Buildings

(H.P. 568) (L.D. 912)
(C. "A" H-938)

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

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

Representative **MILLETT**: Thank you, Madam Speaker, and thank you, ladies and gentlemen, for the vote on the previous bond bill.

I should've said some things about the process. For those of you who are new here, all we are doing when we address a bond package question here is to send it to the Chief Executive, who will then, if she approves, put it on the next ballot, and that is specified in each of the bills to be next November, where the people would authorize it. Then, the Treasurer would issue those bonds when and only when projects were ready to go to shovel-ready status. And so, we are involving the people in all of this activity, and I think we're doing our due diligence by reviewing them one by one.

Another thank-you to the leads, Chair Sachs and Lead Ducharme. We've avoided packaging these into one bill and giving you no choice but to say yes or no even if you didn't like all of the elements. We're doing these for three separate bills.

This one is a very small one for $10 million. It's a mirror image of a bill that I co-sponsored with a predecessor of yours, Madam Speaker, and later Senate President Libby Mitchell back in the 123rd, when, on a much smaller basis, we put out a bond that actually encouraged local municipal and nonprofit buildings where community groups gather to restore and return some of their historical traditions and history. This one is for $10 million. It is matched by 25% local, from governmental or nonprofit agencies, to do the work that keeps us bound together as a community. It's only $10 million, it's my bill, I have a certain interest in it, obviously, because I've seen it work. I think every one of us knows that our municipal buildings, our local buildings, even our churches, if the case were made for them, are in need of restoration to bring the community together.

So, I strongly urge you again to give this a shot here tonight and get it to the Chief Executive, so that she can later put it on the ballot in November for the people to decide. I hope you will support me. Thank you.

Representative LIBBY of Auburn **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

Fewer than one-fifth of the members present expressed a desire for a roll call which was not ordered.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Ducharme.

Representative **DUCHARME**: Thank you, Madam Speaker. Just continuing the education piece about bonding. A lot of people have a difficult time with bonding; particularly, as we've heard, when we have some money. I spent one or two days in a bank as a banker and I could tell people every single day, if you can borrow money at a certain percentage, don't use your own. Now, if you look at the return on investment that the State is getting on the money that the State has invested; the General Fund, that's invested in overnight, repo'd, documents and so forth and so on; versus what the bonds will cost us, it's actually more advantageous for us to leave the taxpayer money in the bank and use the bond money.

I checked with Treasurer Beck before I became really enamored with doing these and said, I'm concerned about interest rate costs. I said, can you look out there and see what bond costs look like for coming up in November, if these are approved in November? His response to me was somewhere in; I thought it was going to be 5-6%, his response to me was between 3.2 and 3.5%. He said, I can't give you an exact number, but he said, that's what I'm thinking the number is.

Now, if you go to any commercial bank, any, you know, any community bank, and you walk in and you say I've got a million dollars in your bank and I want to take that out, the banker there, if they can lend you that money for less than 5%, he's probably going to say, why don't you leave your money here and I'll lend you it at 3 or 4 or 5%? So, as long as it's less than 5%, that's kind of a rule of thumb. At 3%, 3.5%, I'm not concerned that we have an imbalance of the interest going out versus the interest coming in.

So, just as an educational piece on bonds, 3.5% doesn't scare me at all. Additionally, in the biennial budget, there's enough money in the debt service account to cover us for approximately $50 to 75 million in bonds already. That's already sitting in the budget in anticipation of future bond issues. That was put in there in the biennial budget. So, the money is there for the debt service for these. Thank you.

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

Representative **DUNPHY**: Madam Speaker, I would like to ask a question through the Chair to one of the two educators found here on that Committee, if I may?

The SPEAKER: The Member may proceed.

Representative **DUNPHY**: May we not be better off to leave the taxpayers' money in their pockets than in the bank?

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

Representative **LIBBY**: Yes, Madam Speaker. In case the answer was not clear, the Maine taxpayers would be better off with their money in their pockets. Again, I will reiterate that we have a $373 million surplus. I am aghast that my party is so strongly supporting borrowing money that we do not need to borrow when we have extremely full coffers, a record-setting budget that is blowing past $10 billion and beyond and Maine people need money in their pockets more than Maine government. So, I will be, as everyone probably anticipates, voting against this bond and for fiscal responsibility. Thank you, Madam Speaker.

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 109 voted in favor of the same and 19 against, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Bond Issue**

An Act to Authorize a General Fund Bond Issue to Promote the Design, Development and Maintenance of Trails for Outdoor Recreation and Active Transportation

(H.P. 728) (L.D. 1156)
(C. "A" H-937)

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

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Fay.

Representative **FAY**: Thank you very much, Madam Speaker, and House Colleagues. First, I really would like to thank the Representative from Waterford for his analysis of our debt service and bonding situation and explaining the process. I think that's really helpful; we haven't done bonds in a while.

And I am here to rise in strong support of this bond. This proposal will invest $30 million through a competitive grant program in trails statewide that are used for hiking, biking, walking, snowmobiling, ATVing and all manner of other motorized and nonmotorized uses. Organizations, businesses and towns from literally every part of the State support this bond.

There are a whole bunch of really great reasons to support this bill, and I'd like to share some of those reasons from others who have spoken up in support of the bond through testimony or opinion pieces. John Raymond, the President of the ATV Maine and Northern Maine Timber Cruisers, says, "Maine has some of the most amazing trail experiences in the country and the potential for the future is incredible. But to achieve that future, we need to recognize that trails do not maintain themselves. It takes hard work and money to build and maintain our trails, but Maine is not investing in our trails, even as they are battered by storms and are experiencing record use." Al Swett, the President of the Maine Snowmobiling Association, says, "Maine's trails and trail clubs bring people together and help them access some of Maine's most spectacular places. Trails also create a lot of economic activity. Snowmobiling alone generates more than $600 million annually for Maine's economy. But for too long, we've been underinvesting in our trails." Enock Glidden, an outdoor accessibility specialist, says, "as a wheelchair user and a lifelong resident of Maine, I grew up in a time when accessibility was not at the forefront of most peoples' minds. That's why I'm so enthusiastic about the Maine Trails Bond. This bill will go a long way toward providing accessible opportunities for people like me to be surrounded by nature and reap the benefits of what Maine's outdoors has to offer." Angela Arno, the Executive Director of the Piscataquis County Economic Development Council, says, "from my background in marketing, I believe Maine has the potential to become broadly recognized as the State with the most incredible trails in the eastern United States. Outstanding trails could easily become part of Maine's brand identity, drawing people to our State for recreation, to support and start businesses and to relocate. Trails are critical to our way of life and our economic future. The Trails Bond represents an investment in that future, so, please put the Trails Bond on the November ballot and let Maine people decide whether to make this investment." And finally, Shawn Gorman, the Executive Chairman of L.L. Bean, said the following: "L.L. Bean is proud to be part of the broad coalition that encourages the Legislature to pass the Maine Trails Bond. Giving Mainers the opportunity this November to approve an investment that honors who we are and helps enable what we want to be."

With these words, and with the broad statewide support that this bond has received, and the unanimous recommendation of the AFA Committee, I hope all of you will vote yes on the pending motion. Let's honor the requests from people across Maine and place the bond on the ballot. Thank you, Madam Speaker.

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

Representative **MILLETT**: Thank you, Madam Speaker. Very briefly, I'm glad that Representative Fay spoke, because this is her bond bill and it has a lot of support and I will say one thing about it that may lower some concerns; this bond will be issued over multiple years, $7.5 million per year is the intent.

And one or two things that I neglected to say earlier, I think sometimes we are afraid to take positive credit for when we do manage money well. There is zero dollars left of unauthorized bond to be issued next June. This is the first time in a generation that I can remember. We have paid off all of our bonds that are out there outstanding and have nothing more to issue in June of this year. Secondly, we just had a credit rating upgrade. We have a very stable rating, and one of the things that makes it very stable and attractive to borrowers is the size of our Budget Stabilization Fund. It's not the Rainy Day Fund; it's there to prepare us for the future of a possible economic downturn. So, I want to say, maybe we should be a little bit more positive and congratulate ourselves every now and then, when we do something right. Thank you.

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

Representative **HENDERSON**: Thank you, Madam Speaker. Many of my colleagues on both sides of the aisle tonight began their floor speeches with I'll be brief. I'll also be brief. I should be wrapped up here in about half an hour or so. Or three paragraphs.

Madam Speaker, Ladies and Gentlemen of the House, I do rise in support of this pending motion. As a co-sponsor and strong supporter of LD 1156, the Maine Trails Bond, I have watched as this bill has attracted a growing number of supporters over the past year. I can recall in early 2023, when about 50 organizations endorsed the Trails Bond, which seemed impressive at the time, but today, that number has grown to more than 520 organizations, businesses and towns that support the Maine Trails Bond. By any measure, this is an extraordinary level of support, and it includes 75 cities and towns, including Rumford; 43 statewide organizations; 192 local

organizations, including Inland Woods and Trails, which is located in Bethel, Maine, also my district; I don't get to say Bethel too often on the House floor, it's nice; and 167 businesses and 41 ATV and snowmobile clubs. This expansive list, with dozens of regional and local chambers of commerce, land trusts, sporting camps and trail organizations support this trail bond.

This long, impressive list of supporters is urging the Legislature to place the Maine trails bond on the November ballot, so that Maine voters can decide whether to invest in Maine trails, which are a critical component to our $3.3 billion outdoor recreational economy. And just yesterday, we heard from a good colleague of mine how Nine Dragons in Rumford is facing 100 position layoffs, and those layoffs have begun. For years; decades, in fact; our community has relied heavily on our mill as an economic stabilization. And although our trails and our recreational tourism isn't the fix-all for that instability that it looks like we could be facing this summer, it for sure is a key component in helping bring in that recreational tourism and create economic stabilization within my community.

I appreciate the broad support this bill has attracted, and I appreciate the unanimous vote it received by the Appropriations Committee, and hats off to that Committee for the work it has done over the last couple weeks. This bond will provide a significant boost to communities, businesses and trail clubs across Maine, especially in light of the trail damage caused by this year's storms and the end of last year's storm. I encourage us to vote today to send this measure to the November ballot and let the people speak. Thank you.

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

Representative **DRINKWATER**: Thank you, Madam Speaker. Madam Speaker, talking to my clubs in my area, this money is desperately needed to repair the trails and the bridges from the damage from the storms that we've had. And I'd like to pose a question if I may.

The SPEAKER: The Member may proceed.

Representative **DRINKWATER**: We are looking at a timetable of going through another whole snowmobile season without this money to do the repairs that is needed. Is there any pathway that this could be speeded up so the voters could vote on it in June?

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

Representative **ANKELES**: Thank you, Madam Speaker, Fellow Members of the House. Alongside the other two Members of the Brunswick delegation here, we do represent a major trail hub of the State, and I just thought it would be a nice thing to thank so many of the people inside and outside this building who did really good work on this measure.

There are a lot of people in this room who have been really incredible advocates, including the Representative from Buxton, the Representative from Rumford, the Representative from Lisbon and special thanks, I think, should go to both the Senator from Oxford and the Representative from Raymond, who I personally witnessed workshopping language with all kinds of stakeholders including DOT, trail advocates, rail advocates, bikers, walkers, ATVers, snowmobilers; all of them and did incredible work right up to the minute we knew we needed to vote in Committee. And I think it's a testament to their work ethic and their commitment to the people of Maine to see that all the way through, and they should really be commended.

I think outside this building, NRCM put together one of the best instances of bipartisan coalition-building I've ever seen, and I think the benefits to pedestrian safety and bike safety, of getting people off roads and onto trails, I think that's an understated benefit of a bond like this and I think at a time when we're really looking to bring down the number of fatalities, this is a timely investment. It's always a timely investment, but particularly now.

And so, it's a great instance of bipartisan coalition building and I'm not surprised at all because I will just close by saying that, what is a trail if it is not literally common ground? Thank you, Madam Speaker.

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 133 voted in favor of the same and 6 against, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Acts**

An Act to Transition the Responsibility for Child Find Activities and for Ensuring a Free, Appropriate Public Education for Eligible Children from the Child Development Services System to School Administrative Units

(H.P. 219) (L.D. 345)
(C. "A" H-944)

An Act to Amend the Laws Relating to the Prevention of Perfluoroalkyl and Polyfluoroalkyl Substances Pollution

(S.P. 610) (L.D. 1537)
(C. "A" S-683)

An Act to Join the Dentist and Dental Hygienist Compact

(H.P. 1361) (L.D. 2137)
(C. "A" H-949)

An Act to Implement the Recommendations of the Right to Know Advisory Committee Regarding Public Records Exceptions

(H.P. 1421) (L.D. 2215)

An Act to Expand the List of Crimes Eligible for a Post-judgment Motion to Seal Criminal History Record Information to Include Convictions for Possession and Cultivation of Marijuana

(H.P. 1435) (L.D. 2236)
(C. "A" H-943)

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.

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

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**Act**

An Act to Improve the Reporting Process for Certain Tax Expenditure Programs

(S.P. 729) (L.D. 1804)
(C. "A" S-681)

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

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**Resolve**

Resolve, to Review the Timeliness of Contract Payments by the Department of Health and Human Services

(S.P. 875) (L.D. 2082)
(C. "A" S-680)

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

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

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**REPORTS OF COMMITTEE**
**Divided Reports**

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass** on Bill "An Act to Remove the Age-related Statutory Prerequisite for Sealing Criminal History Record Information"

(H.P. 1423) (L.D. 2218)

Signed:
Senators:
CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin
Representatives:
MOONEN of Portland
BECK of South Portland
HENDERSON of Rumford
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
SHEEHAN of Biddeford

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

Signed:
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** Report.

**READ**.

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

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

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

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

Representative **HAGGAN**: Thank you, Madam Speaker. This will be really fast. I recognize that these are misdemeanors; misdemeanors are, of course, our lowest form of crime, only jailable for up to 180 days. But I believe that sealing certain records, not going over the; catching six trout instead of five, certainly not, but there are some crimes in the E crime category that I think should not be sealed. And I know that it's a one offense; if you've only done this once is in the bill, you haven't done it in four years, but for me, first offense OUI/assault, trucking companies, bus companies would have no way of knowing that you've done that or had that go against you. Speeding over 30 miles an hour over the limit, theft by deception, things like that, I think should not be sealed. So, people should have the right to know. Thank you very much.

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

Representative **BOYER**: Thank you, Madam Speaker, Colleagues of the House. I think this is a good bill that's narrowly tailored and is about second chances, and I believe in second chances. Thank you, Madam Speaker.

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

Representative **CYRWAY**: Thank you, Madam Speaker. Just wanted to say that they already get second chances with deferred dispositions. And this is a Class E crime, lots of times they're lowered down to a fine, and so, it's already being done, so, this is really hiding crime. Thank you, Madam Speaker.

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

Representative **UNDERWOOD**: I couldn't resist standing up for this one. If you do the crime, you do 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 Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 507**

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

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

ABSENT - Galletta, Jauch, Lanigan, Lee.

Yes, 87; No, 59; Absent, 4; Vacant, 1; Excused, 0.

87 having voted in the affirmative and 59 voted in the negative, 1 vacancy with 4 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

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

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Majority Report of the Joint Select Committee on **HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-960)** on Bill "An Act to Update the Growth Management Program Laws"

(H.P. 1267) (L.D. 1976)

Signed:

Senators:

PIERCE of Cumberland

VITELLI of Sagadahoc

Representatives:

GERE of Kennebunkport

GATTINE of Westbrook

GOLEK of Harpswell

LOOKNER of Portland

RANA of Bangor

STOVER of Boothbay

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

Signed:

Senator:

POULIOT of Kennebec

Representatives:

BLIER of Buxton

BRADSTREET of Vassalboro

CAMPBELL of Orrington

MORRIS of Turner

**READ**.

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

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

Representative **GERE**: Thank you, Madam Speaker. Madam Speaker, as we work to address Maine's challenges in housing, climate change adaptation and economic development, the Growth Management Law is an important tool. Unfortunately, at the ripe old age of 35 years, it's showing some wear and tear. In particular, the comprehensive planning process by which communities plan for land use and development has not been updated to reflect today's needs and conditions.

LD 1976 updates the comprehensive planning process in the following ways. First, it updates State goals to include locating attainable and affordable housing near jobs and services, removing barriers to housing, addressing sea-level rise and flooding and safeguarding natural and agricultural resources from development. Secondly, it focuses communities' work on identifying for themselves the conditions that they need to put in place to support housing, economic development, public health and safety and protection of the environment. And it directs the responsible Maine State Department to assess comprehensive plans' consistency with those State goals. The process is focused on establishing active community engagement and public input throughout the process, from the beginning through the end, identifying the needs and goals of the community with regard to housing, economic development and public health and resources, and then also using mapping tools to create powerful pictures of environmental systems, conserved lands, rural and farm lands, suburbs and centers of human activity where growth areas may be designated to support the communities' needs and goals. And the last step is having an implementation plan that specifies the policies and ordinances that will be adopted to put the comprehensive plan into action.

Madam Speaker, these changes advance a common-sense approach to comprehensive planning that incorporates modern best practices. It uses the fantastic GIS mapping resources that are currently in development in the Department of Agriculture, Conservation and Forestry, and uses visual mapping tools with comprehensive planning committees that make it easy for communities to see the kinds of development that they want to do and in which parts of their communities they want to allow and encourage it. And the bottom line for Maine communities is LD 1976 will make the process less burdensome and more streamlined for town committees. Madam Speaker, we heard testimony during the public hearings for this bill from volunteers on their local comprehensive planning committees about comprehensive plans that they worked on for years and have been waiting for years to be certified as consistent with State goals. That has to change if we're going to move forward quickly to meet our housing and climate goals.

Madam Speaker, LD 1976 is supported by the following organizations: Maine Municipal Association, Maine Affordable Housing Coalition, Maine Audubon, Build Maine, GrowSmart Maine, Maine Center for Economic Policy, Maine Council on Aging, Maine Farmland Trust, Maine Real Estate and Development Association (known as MEREDA), National Farmland Trust, the National Resource Council of Maine and the Sierra Club of Maine. I wanted to take a minute and just read a couple of quotes from the folks that are in these organizations. First, we heard from Sally Stockwell, the director of conservation at Maine Audubon, "there is an urgent need to update and modernize Maine's vital growth management law in order to help ensure that wildlife and habitat are considered as towns plan for the future. LD 1976 will help Maine towns create the types of neighborhoods and communities they want, while also protecting wildlife in the State that we love." From Jason Howe, the Co-chair of MEREDA's Public Policy Committee: "we know much of our membership is excited to support an improved Growth Management Act, which should unlock a more predictable housing and commercial development process in local Maine communities. The revised law should give communities more time and resources to proactively plan, which should ultimately result in a more predictable permitting process for developers and greater development opportunity overall." And then, finally, I wanted to call to the attention of this Body the words of our George O'Keefe, who is the Economic Development Director in the Town of Rumford, certainly a place with wonderful trails as well as my favorite hiking place in Rumford, Whitecap. George says that "LD 1976 preserves the ability of rural communities without zoning to continue to provide the most flexible approaches to development, while also continuing their ability to preserve the extraordinary beauty and pristine condition of Maine's natural landscape and resources. This legislation represents two hard years of work by numerous stakeholders behind the scenes and is an exceptional example of transparency and open outreach in legislative policymaking. The Town of Rumford is deeply appreciative of the work of the Committee and for the careful consideration of the needs of rural towns such as ours."

Madam Speaker, I wanted to note that the process of crafting 1976 involved hundreds of stakeholders over two years. And also note that it will not discourage housing in growth areas and, in fact, allows communities to decide where their growth

areas will be. And it will not limit commercial development in places where communities are looking to locate that, and actually expands that to include housing beyond industrial and commercial development that are currently in the growth management law. And then finally, I wanted to stress that LD 1976 includes a process of major substantive rulemaking, which will take place over the next several years in order to move us toward our achievable goals for housing and sustainable development. I ask you to follow my light and support this motion. Thank you.

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

Representative **BRADSTREET**: Thank you, Madam Speaker. First of all, I'd like to say I did no crime, but sometimes I feel like I'm doing time.

Madam Speaker, there's another side to the story from what we just heard. Many, many of Maine's professional planners have expressed serious reservations about this bill. Please note that these reservations come from many individuals who served their entire careers as professional planners and who have intimate knowledge about zoning and growth management. They also come from various parts of the State. Please read the letter that has been sent by them to your legislative email and take this input seriously. They are the people with boots on the ground.

Their statement says that yes, Maine's growth management program needs to be updated, that's a fact. But implementation of LD 1976 is not the fix we need and can, indeed, be very counterproductive. For example, it will stifle much residential and commercial growth because, and I quote, this bill disallows growth and growth-related capital investment in most of Maine by restricting a community's ability to designate its own growth areas, end of quote. Much of the residential and commercial development we have experienced recently in Maine would not have been allowed had the terms included in LD 1976 been in effect.

I'd also like to point out the deficient process that occurred during the formation of this bill and its many amendments. Important parties were not included during these deliberations. Had they been allowed, they would've been able to point out and correct certain portions, including referencing incorrect or defunct Statutes, and also cautioned against broad mapping and graphic illustration that are beyond the abilities of many communities to provide.

Lastly, implementation of LD 1976 will expose communities to potential legal liabilities regarding local land use ordinances and something none of them and none of us want or can afford. So, I truly hope you will heed the communications received from the Maine Association of Planners. I encourage you to take a serious look at the email sent to you by Eli Rubin, consider the points the correspondence mentions and also look at the list of signatures on the letter. This is a bigger issue than many of us understand, it is not a one-off.

Madam Speaker, regardless of the good intentions of the sponsor and many of the supporters of this bill, it's not ready to pass. It needs more work and input from those who are the experts in the field and those who will be charged with implementing it as required. Please oppose this motion. Madam Speaker, I just ask that people; you don't have to believe me, please read the correspondence from the people who will be deeply affected by this, it's in your email, and I hope you take that seriously before you cast your vote. 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. This was an interesting process. As I was in Committee, I was texting with; and they're hearing, or watching real-time; two of my three town managers. And they were going section by section, I was sharing with them the different amendments and the first town manager basically said, we're in the middle of our comprehensive plan and it's cost us about $80,000. So, really, don't help us. We're doing a good job. And the other town manager texted me and said, Section 4312 should read 'eliminate all home rule standards.' Don't help us. Thank you.

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

Representative **BLIER**: Thank you, Madam Speaker. I agree with the Good Representative from Kennebunk. This is something that is needed, but unfortunately, I don't think it's complete. I think that a lot of this was done basically at the end of our session. There's been a lot of concerns that have been brought to my attention, and I think that passing something that's good enough is not good enough. I think this needs more time to be refined before we set it out there in the general public. So, I am not in favor of this. Thank you, Madam Speaker.

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

Representative **SACHS**: Thank you, Madam Speaker. I rise in support of the pending motion. And I know talking about comprehensive planning at 10 after 10 may seem very dry and dusty for some, but I have been incredibly excited for the past two years to be part of this open and collaborative and very intense process to update a 34-year-old Statute. And the reason I am is because it's about how we, our local towns, want our communities to look like. That is not dry and dusty.

For the hours of testimony that this wonderful Housing Committee with folks on both sides of the aisle listened to, people came and said this is the change not only that we want to see but that we need to see. And as the Good Representative from Kennebunkport said, that the list of organizations who have been actively involved in this bill is quite extensive. One of them, Madam Speaker, is the Maine Council on Aging, whose representative said we must intentionally begin creating longevity-ready communities, so that people living in their 90s and 100s are active and engaged members of these communities. To do that, we cannot keep doing the same kind of comprehensive planning that we have been doing.

This bill allows for the alleviating of the administrative burdens while developing their comprehensive plans, allowing for greater flexibility and greater visioning, along with public engagement. How about Michele Gagnon, who is the Planning Director for the Town of Bar Harbor and has worked in Eastern Maine for over 30 years in land use planning? She said, of course this is long overdue, but this bill, Madam Speaker, is necessary to allow Maine's 545 municipalities of all sizes to create a contemporary system and value-based comprehensive plan, to respond to the needs and values and priorities of their community, not a checklist from the State to be regurgitated back that has absolutely no bearing on their community. That's what this bill is about, Madam Speaker, and has been. And she said their plan, which will be consistent with the vision of LD 1976; that is not a plan of yesteryear, but one for the future.

I have to bring in Janice Avignon from the Town of Long Island; which, by the way, is 230 year-round residents. There is pride in the level of service of these residents of this tiny town. They, for the last two years, had done their comprehensive plan.

It provided a fantastic opportunity to unite their committee. They had to write their plan for two audiences, Madam Speaker; one for the State and one for their community due to this outdated process that we have burdened them with. They were so excited, she said, after spending precious time and resources on the things that matter most to their town for what they wanted to do and then, the State's checklist that they had to do in order to become, quote-unquote, certified. By the end of the process, this group of highly motivated and enthusiastic individuals, Madam Speaker, were burned out, and we heard that over and over again. I wish we could've redirected that energy to top priority actions to keep that engagement going. I'll quote Nate Green and Chris Marshall, who are owners of GreenMars, a dedicated real estate development company, who said this bill is a transformative update to Maine's Growth Management Law, who's particularly supportive of the bill's move to get away from the exhaustive inventory and checklists in favor of a focus on critical natural systems that will help our State's commitment to affordable housing.

All of these things, as the Representative from Vassalboro was saying, had a late letter from some planners who stated that the bill disallowed growth and growth-related capital. I'm wondering if they perhaps, Madam Speaker, had a different bill or a different version, because it's not even remotely accurate. On page 10, specifically, towns and cities can designate any area for growth. Nothing in this subsection, quoting from the bill, prohibits a municipality or multi-municipal region from identifying, describing and mapping place types not specific to this subchapter and that they may use different names and rules for it and that they are served by downtown areas, village centers and growth areas. It's in the bill, Madam Speaker, so, I gently say, perhaps take a wee different look.

All of these folks that the Good Representative from Kennebunkport, who supported this bill, who came forward after a very transparent, comprehensive process; what they're saying is this bill meets the moment because we've put in the work. And I am happy to transmit to any of my colleagues here in the House or in the other Body of the two-year process in an outline of the engagement steps that we took, and everyone was welcome to be part of this and we're incredibly proud of the collaboration that went into this bill because it's; the time is now. The time is here and even after this bill gets enacted, that there is a substantive rulemaking process with a layer of stakeholder engagement that is not normally found because this is too important, Madam Speaker, to wait. Thank you for the opportunity to urge support for the pending motion. Thank you.

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

Representative **GREENWOOD**: Thank you, Madam Speaker. I truly had not intended to rise on this one. I truly haven't read the full 22 pages, but I'm looking at the summary, and I'll just recap it. I've been a Selectman for the better part of 30 years, with the exception of the eight years I was a County Commissioner, and this seems like a very top-down approach rather than a from the bottom-up. And being from a small town of a population of 1,608 people, I don't think this is something my community wants to support and I'll be voting no. Thank you, Madam Speaker.

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

Representative **BLIER**: Thank you, Madam Speaker. I think the one thing that's important here, during the work session in the Housing Committee, the one group that was not invited to the table during this process at the beginning was the Director of the Land Use Planning, Department of Agriculture, Conservation and Forestry of our State. To me, that would've been the first person I would have called. But the thing that I heard tonight was, this bill helps make what we want communities to look like. Well, my community, people in my community may not want their community look like your community. And so, if we're putting a carpet blank, what we want communities to look like, different communities have different people and they want it to look differently. Thank you, Madam Speaker.

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

Representative **SACHS**: Thank you, Madam Speaker, for allowing me to rise a second time. I just want to clear up any misunderstandings that may have come again on this summary that I have, which is four pages around outreach, that includes many, many, many meetings and conversations with the department official that the Good Representative from Buxton has recognized. I also want to make sure that folks heard me clearly. It's not about what I or the State wants, it's really about empowering communities to be able to engage together to figure out what their community wants. 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. 508**

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

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

ABSENT - Costain, Galletta, Hall, Jackson, Jauch, Lanigan, Lookner.

Yes, 74; No, 69; Absent, 7; Vacant, 1; Excused, 0.

74 having voted in the affirmative and 69 voted in the negative, 1 vacancy with 7 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-960)** 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-960)** and sent for concurrence.

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

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**ENACTORS**

**Acts**

An Act to Protect the Right to Food

(S.P. 739) (L.D. 1823)

(C. "A" S-673)

An Act to Implement the Recommendations of the Task Force to Evaluate the Impact of Facility Fees on Patients to Improve Facility Fee Transparency and Notification

(S.P. 987) (L.D. 2271)

(C. "A" S-655)

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.

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

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On motion of Representative HEPLER of Woolwich, the House adjourned at 10:26 p.m., until 10:30 a.m., Friday, April 12, 2024, in honor and lasting tribute to Rosemary Hentz of Georgetown and Barbara Lord of Hallowell.