

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Thirtieth Legislature
State of Maine

Daily Edition

Second Regular Session

beginning January 5, 2022

beginning at page H-1003

everybody's stuff. This bill should be a resolve, as the Representative from Cumberland said as well as the Representative from Turner. I agree with them, we should study it before we pass it and see how it works after we pass it. I can tell you this is a litigator's dream. I lived through the Privacy Act, when that first came in and it was a nightmare. So, please don't do this to banks again. I understand the need for security with a lot of the companies but this will be a Maine law and if it's a Maine law, somebody mentioned to me that TD Bank, you know, this would protect them against TD Bank doing whatever they want to do. It won't protect you from TD Bank because they're headquartered in Canada and our laws won't apply. I ask you to oppose this Minority Report. Thank you.

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

Representative **UNDERWOOD**: Thank you, Mr. Speaker. This bill here is a full-employment bill for lawyers and vote no on this. Thank you.

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

Representative **POIRIER**: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, I rise because in committee, like the Good Representative from South Portland, I also supported a study for this bill. But after listening to constituents about the grave concerns they have about companies using their biometric data in ways that they do not permit, I had to reconsider and do a lot of extra homework in the afterhours about the bill. With the vast speed of changing technology, this bill cannot wait and Mainers need protection and security sooner than later. For entities expressing concern about this bill, if they're already following protection protocols, they need not worry. Please join me in supporting the pending motion.

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

Representative **LIBBY**: Thank you, Mr. Speaker. I would just like to clarify a couple of points. One is that the amendment does exempt financial institutions for customer transactions and, thankfully, we've already banned facial recognition by the government. The extended implementation date is designed to give companies plenty of time to comply so as not to be overly burdensome. And the implementation committee is in place to make sure that we can collaborate with all of the stakeholders as this is implemented. Thank you, Mr. Speaker.

Representative **WADSWORTH** of Hiram **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

ROLL CALL NO. 572

YEA - Alley, Andrews, Arford, Babbidge, Bell, Berry, Blume, Boyle, Brennan, Bryant, Caiazza, Cardone, Collings, Copeland, Corey, Crafts, Craven, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Faulkingham, Geiger, Gere, Gramlich, Greenwood, Grohoski, Hanley, Harnett, Harrington, Hasenfus, Hepler, Hutchins, Hymanson, Kessler, LaRochelle, Libby, Lookner, Lyman, Madigan, Martin J, Martin R, Martin T, Mathieson, Matlack, McCrea, McCreight, McDonald, Meyer, Millett, Morales, O'Connell, O'Connor, O'Neil, Ordway, Osher, Paulhus, Pebworth, Perry, Pierce, Pluecker, Poirier, Prescott, Quint, Reckitt, Rielly, Riseman, Roberts, Roeder, Rudnicki, Sachs, Salisbury, Sampson, Sheehan, Stanley, Stover, Supica, Madam Speaker, Thorne, Tucker, Warren C, Warren S, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Arata, Austin, Bickford, Blier, Bradstreet, Brooks, Carmichael, Cloutier, Collamore, Connor, Crockett, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Fay, Foster, Gifford, Griffin, Hall, Head, Javner, Kinney, Landry, Lemelin, Lyford, Mason, Melaragno, Millett, Moriarty, Morris, Nadeau, Newman, Parry, Perkins, Pickett, Skolfield, Stearns, Stetkis, Tepler, Terry, Theriault, Tuell, Underwood, Wadsworth, White B, White D.

ABSENT - Bernard, Carlow, Cebra, Costain, Grignon, Haggan, Perry, Roche, Sharpe, Sylvester.

Yes, 89; No, 48; Absent, 10; Vacant, 4; Excused, 0.

89 having voted in the affirmative and 48 voted in the negative, 4 vacancies with 10 being absent, and accordingly Report "B" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-1018)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-1018)** and sent for concurrence.

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

Seven Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-1020)** on Bill "An Act To Restore to the Penobscot Nation and Passamaquoddy Tribe the Authority To Exercise Jurisdiction under the Federal Tribal Law and Order Act of 2010"

(H.P. 428) (L.D. 585)

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

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

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-1021)** on same Bill.

Signed:
Senator: KEIM of Oxford

Representative:
THORNE of Carmel

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (H-1022)** on same Bill.

Signed:
Representatives:
LIBBY of Auburn
POIRIER of Skowhegan

One Member of the same Committee reports in Report "D" **Ought to Pass as Amended by Committee Amendment "D" (H-1023)** on same Bill.

Signed:
Representative:
BABBIDGE of Kennebunk

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

Signed:
Representative:
HAGGAN of Hampden

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-1020)**.

READ.

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

Representative LIBBY of Auburn **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 Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you, Mr. Speaker. Mr. Speaker, the bill before us legalizes sports betting in Maine, which is a great big kiss to those who receive licenses. Sports betting is bad, I think, for sports, for too many families with financial insecurity and for the draining of money to the out-of-state gaming operator that is contracted to manage the software. LD 585 is good in that online sports betting is awarded exclusively to the tribes. But LD 585 is bad in that it taxes at only 10%, with the general fund for the people getting only 6.5%. That's in line with western states but not with most states in the northeast. Mr. Speaker, we have ongoing expenses. Maine seems awash in money right now with pandemic funds and an upsurge in the economy, but we have housing needs, you know, elderly, workforce, homeless. We have infrastructure damage, PFAS contamination, physical and mental health care demanding increased funds, satisfying our obligation to indigent legal services will require a great deal of money over the next couple of years. Funding in the northeast for states that have adopted online sports betting, sports betting having eclipsed the amount of money raised in casinos in many states. Pennsylvania, about three-quarters online

sports betting. Pennsylvania taxes sports betting at 36%, 34% going to the general fund. Delaware has sports betting in its casinos. They tax it at 50%. Rhode Island was one of the earliest to tax sports betting at 51%. New York just recently adopted sports betting, taxing it at 51%. New Hampshire, just in the month of January, had nearly \$100 million in bets. The payment or the, I think it's called the hold, but whatever was left after the payoff of winnings was \$8 million. New Hampshire retained almost \$4 million of that. I think there's a small federal tax in there, I asked the gambling control unit of the State of Maine what is New Hampshire taxed at and my reply was they're taxed at 51%. So, I'm opposed to the expansion of gambling in Maine as a principle. But when we have 30 states that have now legalized sports betting and there is a wave across the country for legislatures to access what is easy money, then I see the inevitable. Here in Maine, we've had two, well, this would be the second sports betting bill that is likely to pass this Body. My point is if we are going to embrace this endeavor, then let's not give away the farm. Let's make sure that we have a general fund allocation from this that is significant enough to benefit the people of Maine. If that happens, Mr. Speaker, I will be voting for this bill, but today, I cannot. Thank you very much.

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

Representative **HYMANSON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It is hard for me to support the expansion of gambling, especially in the form of online betting. We live in a world of addictions and expanding gambling in this way goes against my thinking as a physician concerned about prevention of addictions and online betting expansion can be an addiction for some. For this reason, although I would really like to support this bill, I will be voting in opposition. Thank you.

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

Representative **POIRIER**: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, I rise in opposition to the current motion, though I'm not opposed to the bill in its entirety. Part of LD 585 creates a collaboration between the State and the tribes. This should've happened long ago. We all cherish our great State and strive for many of the same goals. Collaboration and clear understanding are a positive step for all. This bill provides limited tax exemptions to the tribes that will assist with financial needs and growth within the tribes. I wish these exemptions applied equally to all people of Maine, but I am not opposed to the benefits the tribes would see. The section that I cannot support is the monopolization of sports betting and online gaming. The potential revenues of such a market were greatly downplayed throughout our work sessions on this bill. Sports and online gaming are a growing enterprise. Revenues in neighboring New Hampshire were \$15 million in the first eight months of their fiscal year. There are options on the table for the tribes to have other gaming options. Options that they have been seeking for many years. Options that do not monopolize. Giving tribes the options to pursue other forms of gaming will only increase their business and financial opportunities. Why place a limit? Mr. Speaker, I have read and listened to lengthy testimonies. What I've heard is that the tribes want to be

treated equally. They want the opportunities for growth, the opportunities that have been afforded to other entities. I support that. But this bill goes beyond and grants exclusive special monopolized rights. For that reason, I have to oppose the motion and I ask you to do the same. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunphy.

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, it is an honor to rise in support of the pending motion. Everyone who comes to this institution, this House of the People, does so to make their communities stronger and more cohesive. Part of my legislative district is comprised of the current center of the Penobscot Nation. In the Penobscot Nation, I find not only constituents, but neighbors and friends whose friendship is something I treasure. In this session, we have debated a number of bills that have been submitted along with LD 585 to enhance the sovereignty, independence and economic opportunities for our tribal neighbors. It strikes me that in reviewing the history of the relationship between our tribal communities and the postcolonial communities that make up the modern State of Maine, that these debates may not have been possible only a generation ago. A hundred years ago, it would've been extraordinary to even acknowledge the existence of our tribal neighbors. Mr. Speaker, so much has been strained in this chamber during this session regarding the history of the strained relationship between the State and the tribes of the State, that adding more to that narrative would not inform this motion a great deal. I think it's an occupational hazard of this work that we focus on the nuts and bolts of legislation language and much of our thought process revolves around causes and effects and unforeseen outcomes that bills we pass could foster. For me, the importance of this legislation doesn't revolve around any of that.

Mr. Speaker, when I think of the new course that the passage of this bill represents, I immediately think of my own daughter and one of her very dear friends and high school classmates; a proud young Penobscot man named Ben Francis. Emily and Ben were in the band together, they ran cross-country and track together and went to two proms together. And even though they go to different colleges today, they remain very good friends. I am supporting this legislation because I know it will make a difference in the future for Ben Francis, his family and his neighbors in the Penobscot Nation. It will perhaps have a small impact on their immediate prosperity. It will also, however, be another important step in a long journey over 500 years in the making, the journey of our communities transforming themselves from conquerors and occupiers among a proud people to becoming neighbors. Dr. Jonas Salk, who saved generations of children from the horrors of polio, said our greatest responsibility is to be good ancestors. Looking beyond the immediate benefits of this legislation, it carries forward important work for the future. Mr. Speaker, this legislation is not, nor is it intended to be, a cure-all. The Majority Report, however, includes significant changes that promise to be positive ones. When I vote to support this motion, I'm filled with the hope that I am taking one more step to bring prosperity to the people of Maine and another step alongside our neighbors, the People of the Dawn, in this important journey forward. Thank you, Mr. Speaker.

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. 573

YEA - Alley, Andrews, Arford, Bell, Berry, Blume, Boyle, Brennan, Brooks, Bryant, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Drinkwater, Dunphy, Evangelos, Evans, Faulkingham, Fay, Gere, Gramlich, Grohoski, Harnett, Harrington, Hepler, Kessler, Landry, LaRochelle, Lookner, Madigan, Martin J, Martin R, Martin T, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Morales, Moriarty, Newman, O'Connell, O'Connor, O'Neil, Osher, Paulhus, Pebworth, Perry, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Skolfield, Stover, Supica, Madam Speaker, Tepler, Terry, Tucker, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Arata, Austin, Babbidge, Bickford, Blier, Bradstreet, Caiazzo, Cardone, Carmichael, Collamore, Connor, Corey, Dillingham, Dolloff, Downes, Ducharme, Foster, Geiger, Gifford, Greenwood, Griffin, Hall, Hanley, Hutchins, Hymanson, Javner, Kinney, Lemelin, Libby, Lyford, Lyman, Mason, Millett, Morris, Nadeau, Ordway, Parry, Perkins, Pickett, Poirier, Prescott, Quint, Rudnicki, Sampson, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Bernard, Carlow, Cebra, Costain, Grignon, Haggan, Hasenus, Head, Millett, Perry, Roche, Sharpe, Sylvester.

Yes, 81; No, 53; Absent, 13; Vacant, 4; Excused, 0.

81 having voted in the affirmative and 53 voted in the negative, 4 vacancies with 13 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1020)** 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-1020)** and sent for concurrence.

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

ENACTORS
Act

An Act To Prevent the Further Contamination of the Soils and Waters of the State with So-called Forever Chemicals

(H.P. 1417) (L.D. 1911)
(S. "B" S-553 to C. "A" H-958)

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

On motion of Representative O'CONNOR of Berwick, was **SET ASIDE**.

Representative O'CONNOR of Berwick **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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