

ONE HUNDRED AND THIRTIETH LEGISLATURE  
FIRST SPECIAL SESSION  
11th Legislative Day  
Wednesday, June 16, 2021

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

Prayer by Pastor Robert Richards, Fellowship Baptist Church, Augusta.

National Anthem by Evelyn Lacroix, Skowhegan.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

**SENATE PAPERS**

The following Joint Resolution: (S.P. 581)

**JOINT RESOLUTION RECOGNIZING JUNE 15, 2021 AS  
WORLD ELDER ABUSE AWARENESS DAY**

WHEREAS, throughout the United States, 10,000 people a day are turning 65 years of age; and

WHEREAS, one in 10 Americans 60 years of age and older experiences abuse each year; and

WHEREAS, at least \$2,900,000,000 is taken from older adults each year due to financial abuse and exploitation; and

WHEREAS, abuse, neglect and exploitation of older adults in the United States are often unidentified and unreported because of an inability to report or a fear of reporting; and

WHEREAS, older adults who are abused are 3 times more likely to die earlier than older adults of the same age who are not abused; and

WHEREAS, Maine's seniors are valued members of society, and it is our collective responsibility to ensure that they live safe lives; and

WHEREAS, seniors should be treated with respect and dignity to enable them to continue to serve as leaders, mentors, volunteers and active members of society; and

WHEREAS, combating abuse and empowering the elderly will help improve the quality of life and independence of all seniors across the State; and

WHEREAS, we are all responsible for building safer communities for Maine's seniors by reporting elder abuse and neglect when we suspect it; and

WHEREAS, the welfare of seniors is in the best interest of all citizens and adds to the well-being of all our communities; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirtieth Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to recognize June 15, 2021 as World Elder Abuse Awareness Day and the importance of raising awareness of elder abuse and the promotion of better understanding of the cultural, social, economic and demographic issues that may contribute to the growing incidence of elder abuse.

Came from the Senate, **READ** and **ADOPTED**.

**READ** and **ADOPTED** in concurrence.

The following Joint Order: (S.P. 580)

ORDERED, the House concurring, that Bill, "Resolve, To Ensure That Community Mental Health Service Providers Can Access Pandemic Stimulus Funds," S.P. 85, L.D. 197, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

Came from the Senate, **READ** and **PASSED**.

**READ** and **PASSED** in concurrence.

**Non-Concurrent Matter**

Resolve, To Facilitate the Modernization and Streamlining of the Utility Pole Attachment Process

(H.P. 894) (L.D. 1219)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417)** in the House on June 7, 2021.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417) AS AMENDED BY SENATE AMENDMENT "A" (S-306)** thereto in **NON-CONCURRENCE**.

Speaker FECTEAU of Biddeford moved that the House **INSIST**.

Representative Dillingham of Oxford moved that the House **RECEDE AND CONCUR**.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker and Men and Women of the House, while I appreciate the interest in the pending motion, I must, regrettably, speak in opposition. The House has chosen to pass a resolve which would require some significant and important provisions that would prevent conflict of interest if and when the Public Utility Commission does go forward with a third-party administrator for pole attachment. Pole attachment is an important matter. It might sound esoteric, but it is, in fact, how we deploy broadband across the State as well as electricity. So, Mr. Speaker, the motion before us is counter to those important provisions which I referred to barring conflict of interest in this very important matter and we do not wish to see those provisions watered down. Further, Mr. Speaker, there is a proceeding already underway at the Public Utilities Commission to go forward with the modernization and streamlining of the utility pole attachment process and therefore, Mr. Speaker, if this bill ultimately is not to pass, then the purpose for which it is intended will nevertheless be fulfilled. So, I ask, Mr. Speaker, that you and all Members of this Body join me in opposing the pending motion. Thank you.

Representative DILLINGHAM of Oxford **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Mr. Speaker. I will be supporting the pending motion for a number of reasons. Late last week, I guess it was last week, the days are running together now, I was reached out, the folks who asked me to put this in, some of the local ISPs and ISPs are internet service providers around the State asked me if I was aware of the current condition the bill was in and I said no, that the last I knew, it had gone through committee unanimously, that didn't seem to be an issue. Well, apparently, some things were changed unbeknownst to myself or the ISPs. The bill found its way to the other Body and the motion or the situation, nonconcurrence, we have before us, is an effort to resolve some of those last-minute changes that were made in committee. And to say I'm not happy would probably be an understatement, all that aside, I would encourage you to support the pending motion because, plain and simple, the reason why we brought this bill forward is to cut back on the red tape to get broadband deployed around the State. Down in Washington County last fall, we had a situation

where the Chief Executive had decided in November to release funds to help schoolkids get connected to broadband, which resulted in \$1.5 million in funding coming. It sounded great in the press release, but all of the bureaucracy around getting that money into the communities meant that an extension had to be applied for and it really came to light at that time that pole attachment could've been a barrier had the Chief Executive not been able to grant the extension that was needed or Congress not acted on an additional COVID relief package. We don't want to find ourselves in that situation going forward, which is why we brought this bill forward. It's a very complicated bill and I suspect the Representative from Hiram or Dexter can probably get into the nuances of it, but that's the why in why we need to Recede and Concur. Thank you, Mr. Speaker.

Representative GROHOSKI of Ellsworth **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 to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 311**

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

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

**ABSENT** - Fecteau, Grignon, Hanley, Javner, Martin, Perkins, Prescott, Roche, Sharpe, Supica.

Yes, 59; No, 82; Absent, 10; Excused, 0.

59 having voted in the affirmative and 82 voted in the negative, with 10 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **INSIST**.

**Non-Concurrent Matter**

Bill "An Act To Provide Funding To Support the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations"

(H.P. 768) (L.D. 1034)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-410)** in the House on June 7, 2021.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-410) AS AMENDED BY SENATE AMENDMENT "A" (S-298)** thereto in **NON-CONCURRENCE**.

Speaker **FECTEAU** of Biddeford moved that the House **RECEDE AND CONCUR**.

Representative **DILLINGHAM** of Oxford **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 Recede and Concur. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 312**

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

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

**ABSENT** - Fecteau, Grignon, Hanley, Javner, Martin, Perkins, Prescott, Roche, Sharpe, Supica, Williams.

Yes, 83; No, 57; Absent, 11; Excused, 0.

83 having voted in the affirmative and 57 voted in the negative, with 11 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

**COMMUNICATIONS**

The Following Communication: (S.C. 670)

**MAINE SENATE  
130TH LEGISLATURE**

June 15, 2021  
Honorable Ryan Fecteau  
Speaker of the House  
2 State House Station  
Augusta, ME 04333-0002

Dear Speaker Fecteau:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 130th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

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

To the State Liquor and Lottery Commission:

- Elizabeth Fitzgerald of Machiasport, for reappointment
- Julie A. Sheehan of South Portland, for reappointment
- The Honorable Stacey A. Fitts of Pittsfield, for appointment

- The Honorable Kimberly J. Monaghan of Cape Elizabeth, for appointment
  - The Honorable John C. Schneck of Bangor, for appointment
- Best Regards,  
S/Darek M. Grant  
Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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**ORDERS**

On motion of Representative GREENWOOD of Wales, the following Joint Resolution: (H.P. 1289) (Cosponsored by Senator CHIPMAN of Cumberland and Representatives: CONNOR of Lewiston, CRAVEN of Lewiston, MARTIN of Eagle Lake, O'NEIL of Saco, Senators: BALDACCI of Penobscot, LIBBY of Androscoggin)

**JOINT RESOLUTION CELEBRATING MARCH 25, 2021 AS THE 200TH ANNIVERSARY OF GREEK INDEPENDENCE AND CELEBRATING DEMOCRACY IN GREECE AND THE UNITED STATES**

WHEREAS, on March 25, 1821, the Feast Day of the Annunciation, the Greek nation began a war of independence and overthrew the Ottoman Empire, which had oppressed and enslaved its people since the fall of Constantinople in 1453, and by this war reinstated a democracy, reclaiming its ancient heritage as the "Cradle of Democracy"; and

WHEREAS, the people of the United States generously offered humanitarian assistance to the Greek people during their struggle for independence; and

WHEREAS, the price for Greece in holding onto the values our nations hold in common has been high, as hundreds of thousands of civilians were killed in Greece during World War II; and

WHEREAS, modern-day Greece is a valuable and trusted ally of the United States and is one of only 3 nations in the world outside of the former British Empire that have joined the United States in every major international conflict in the last 100 years; and

WHEREAS, Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel and demonstrates religious tolerance; and

WHEREAS, Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability and human rights; and

WHEREAS, many American philhellenes participated and fought in the Greek War of Independence; and

WHEREAS, on October 4, 2019, United States Secretary of State Mike Pompeo visited Greece, where he met with Greek leaders, and together they signed an update to the Mutual Defense Cooperation Agreement; and

WHEREAS, Maine has been served in the United States Congress by 2 Greek Americans: the Honorable Peter Kyros, who served in the House of Representatives from 1967 to 1975, and the Honorable Olympia Snowe, who served in the House of Representatives from 1979 to 1995 and the Senate from 1995 to 2013; and

WHEREAS, the World Hellenic Inter-Parliamentary Association, or "WHIA," composed of several hundred members in over 30 countries, is the premier organization promoting Hellenism among the Greek diaspora over the past 2 decades and its recent president, Peter Katsambanis, has called upon

Hellenes abroad to help other nations celebrate their heritage; and

WHEREAS, two Greek American former members of the Maine Legislature, the Honorable Zachary Matthews and the Honorable Stavros Mendros, helped form the WHIA, with the Honorable Stavros Mendros being a charter member and elected to the inaugural board of directors; and

WHEREAS, a high-level review of the United States-Greece Strategic Dialogue took place in Greece on September 28, 2020, which underscored Greece's importance to the United States as a geostrategic partner in the Eastern Mediterranean and Balkans and as an important NATO ally; and

WHEREAS, in support of the "Greece 2021" Committee established by the government of Greece, the United States Mission in Greece has launched a campaign to celebrate the bicentennial of Greek Independence and the 200 years of friendship between the United States and Greece; and

WHEREAS, it is proper and fitting that the United States celebrate this anniversary with the Greek people and reaffirm the democratic principles from which our 2 great nations were born; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirtieth Legislature, now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to celebrate March 25, 2021 as the 200th Anniversary of Greek Independence, and we reaffirm Maine's abiding commitment to the principles of democracy and religious tolerance.

**READ and ADOPTED.**

Sent for concurrence.

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On motion of Representative NEWELL of the Passamaquoddy Tribe, the following Joint Resolution: (H.P. 1290)

**JOINT RESOLUTION IN REMEMBRANCE OF THE 215 INDIGENOUS CHILDREN WHOSE REMAINS WERE FOUND ON THE GROUNDS OF THE KAMLOOPS INDIAN RESIDENTIAL SCHOOL IN BRITISH COLUMBIA**

WHEREAS, Indian residential schools were established in the United States and Canada in the 19th and 20th centuries to "civilize" Native American children and assimilate them into European culture; and

WHEREAS, Native American children were removed from the custody of their parents, given new European names, forbidden to speak their Indigenous languages and forced to abandon their Native American identity and culture; and

WHEREAS, formal government investigations have revealed documented cases of starvation and physical and mental abuse in these residential schools; and

WHEREAS, the last of these residential schools closed only as recently as 2007; and

WHEREAS, according to Canada's National Truth and Reconciliation Commission, at least 4,100 Canadian First Nations children died while attending residential schools in Canada; and

WHEREAS, due to poor and inaccurate record keeping, it is unknown how many Native American boys and girls died while attending residential schools in the United States; and

WHEREAS, on May 28, 2021, the remains of 215 children were found buried in a mass grave on the grounds of the former Kamloops Indian Residential School located in British Columbia; and

WHEREAS, the Canadian government recognized this moment by putting the Canadian flag at half-staff until further

notice in memory of the thousands of children who were sent to residential schools, for those who never returned and in honor of the families whose lives were forever changed; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirtieth Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to honor and remember the 215 indigenous children found on the grounds of the Kamloops Indian Residential School in British Columbia.

**READ.**

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

Representative NEWELL: Mr. Speaker, I am appreciative and grateful to bring forth this joint resolution and would also extend gratitude to all that collaborated to make this possible. Mr. Speaker, Men and Women of the House, what we have learned of in British Columbia very possibly could be discovered here in the United States. From the 350 residential schools that were located in 30 different states, let us pray that it does not. Mr. Speaker, may we take this moment for all Members of this Body to recognize the consequential effects of legislative policy. May we also remember and memorialize the loss of these innocent children, may their innocent souls rest in peace and may the families of these children find solace. Woliwon, chiwoliwon.

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

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

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

**UNFINISHED BUSINESS**

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

Expression of Legislative Sentiment Recognizing the Town of Canton

(SLS 79)

- In Senate, **READ** and **PASSED**.

- **CARRIED OVER** to a subsequent special or regular session of the 130th Legislature, pursuant to Joint Order S.P. 435 on March 30, 2021.

TABLED - March 11, 2021 (Till Later Today) by Representative PICKETT of Dixfield.

PENDING - **PASSAGE**.

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

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

Report of the Committee on **JUDICIARY** on Bill "An Act Regarding Remote Participation in Public Proceedings"

(S.P. 40) (L.D. 32)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-301)**.

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

**AMENDED BY COMMITTEE AMENDMENT "A" (S-301) AS AMENDED BY SENATE AMENDMENT "A" (S-308)** thereto.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-301)** was **READ** by the Clerk.

**Senate Amendment "A" (S-308)** to **Committee Amendment "A" (S-301)** was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (S-301) as Amended by Senate Amendment "A" (S-308)** thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-301) as Amended by Senate Amendment "A" (S-308)** thereto in concurrence.

**REPORTS OF COMMITTEE  
Divided Reports**

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-295)** on Bill "An Act To Amend the Maine Criminal Code"

(S.P. 223) (L.D. 536)

Signed:

Senators:

DESCHAMBAULT of York  
LAWRENCE of York

Representatives:

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

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

Signed:

Senator:

CYRWAY of Kennebec

Representative:

RUDNICKI of Fairfield

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-295)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-295)** 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-295)** in concurrence.

McCREA of Fort Fairfield  
MILLETT of Cape Elizabeth  
SALISBURY of Westbrook

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Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-294)** on Bill "An Act To Increase the Protection of Children from Domestic Abuse and Violence"

(S.P. 458) (L.D. 1408)

Signed:  
Senators:

DESCHAMBAULT of York  
CYRWAY of Kennebec  
LAWRENCE of York

Representatives:

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

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

Signed:  
Representative:

RUDNICKI of Fairfield

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-294)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-294)** 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-294)** in concurrence.

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Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-276)** on Bill "An Act To Protect School Employees from Workplace Bullying"

(S.P. 294) (L.D. 880)

Signed:  
Senators:

RAFFERTY of York  
DAUGHTRY of Cumberland

Representatives:

BRENNAN of Portland  
CROCKETT of Portland  
DODGE of Belfast

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

Signed:  
Senator:

WOODSOME of York

Representatives:

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

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-276)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-276)** 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-276)** in concurrence.

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Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-314)** on Bill "An Act To Advance Energy Storage in Maine"

(S.P. 213) (L.D. 528)

Signed:  
Senators:

LAWRENCE of York  
VITELLI of Sagadahoc

Representatives:

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

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

Signed:  
Senator:

STEWART of Aroostook

Representatives:

CARLOW of Buxton  
FOSTER of Dexter  
WADSWORTH of Hiram

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-314)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-314)** 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-314)** in concurrence.

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Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Establish a Stewardship Program for Packaging" (S.P. 474) (L.D. 1471)

Signed:

Senators:

BRENNER of Cumberland  
BENNETT of Oxford  
CARNEY of Cumberland

Representatives:

TUCKER of Brunswick  
BELL of Yarmouth  
BLUME of York  
DOUDERA of Camden  
GRAMLICH of Old Orchard Beach  
ZEIGLER of Montville

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

Signed:

Representatives:

HANLEY of Pittston  
JOHANSEN of Monticello  
O'CONNOR of Berwick  
TUELL of East Machias

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

**READ.**

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

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Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-293)** on Bill "An Act To Support Children's Healthy Development and School Success" (S.P. 533) (L.D. 1712)

Signed:

Senators:

CLAXTON of Androscoggin  
BALDACCI of Penobscot  
MOORE of Washington

Representatives:

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

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

Signed:

Representatives:

CONNOR of Lewiston  
GRIFFIN of Levant  
JAVNER of Chester

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-293)**.

**READ.**

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

Representative GRIFFIN of Levant **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. 313**

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

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

ABSENT - Copeland, Fecteau, Grignon, Hanley, Javner, Martin, Perkins, Prescott, Roche, Sharpe, Supica.

Yes, 84; No, 56; Absent, 11; Excused, 0.

84 having voted in the affirmative and 56 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-293)** 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-293)** in concurrence.

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-275)** on Bill "An Act To Lower Health Care Costs through the Establishment of the Office of Affordable Health Care"

(S.P. 49) (L.D. 120)

Signed:

Senators:

SANBORN of Cumberland  
BRENNER of Cumberland

Representatives:

TEPLER of Topsham  
ARFORD of Brunswick  
BROOKS of Lewiston  
EVANS of Dover-Foxcroft  
MATHIESON of Kittery  
MELARAGNO of Auburn

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

Signed:

Senator:

STEWART of Aroostook

Representatives:

BLIER of Buxton  
CONNOR of Lewiston  
MORRIS of Turner  
QUINT of Hodgdon

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

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-275)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-275)** in concurrence.

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-278)** on Bill "An Act To Create the Insulin Safety Net Program"

(S.P. 260) (L.D. 673)

Signed:

Senators:

SANBORN of Cumberland  
BRENNER of Cumberland

Representatives:

TEPLER of Topsham  
ARFORD of Brunswick  
BROOKS of Lewiston  
EVANS of Dover-Foxcroft  
MATHIESON of Kittery  
MELARAGNO of Auburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-279)** on same Bill.

Signed:

Senator:

STEWART of Aroostook

Representatives:

BLIER of Buxton  
CONNOR of Lewiston  
MORRIS of Turner  
QUINT of Hodgdon

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

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-278)** 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-278)** in concurrence.

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-255)** on Bill "An Act To Increase Prescription Drug Pricing Transparency"

(S.P. 274) (L.D. 686)

Signed:

Senators:

SANBORN of Cumberland  
BRENNER of Cumberland

Representatives:

TEPLER of Topsham  
ARFORD of Brunswick  
BROOKS of Lewiston  
EVANS of Dover-Foxcroft  
MATHIESON of Kittery  
MELARAGNO of Auburn

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

Signed:

Senator:  
STEWART of Aroostook

Representatives:  
BLIER of Buxton  
CONNOR of Lewiston  
MORRIS of Turner  
QUINT of Hodgdon

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-255)**.  
**READ.**

On motion of Representative TEPLER of Topsham, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-255)** 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-255)** in 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" (S-280)** on Bill "An Act Regarding Telehealth Regulations"

(S.P. 50) (L.D. 791)

Signed:  
Senators:  
SANBORN of Cumberland  
BRENNER of Cumberland

Representatives:  
TEPLER of Topsham  
BLIER of Buxton  
BROOKS of Lewiston  
CONNOR of Lewiston  
EVANS of Dover-Foxcroft  
MATHIESON of Kittery  
MELARAGNO of Auburn  
MORRIS of Turner  
QUINT of Hodgdon

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-281)** on same Bill.

Signed:  
Representative:  
ARFORD of Brunswick

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-280) AS AMENDED BY SENATE AMENDMENT "A" (S-284)** thereto.  
**READ.**

On motion of Representative TEPLER of Topsham, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-280)** was **READ** by the Clerk.

**Senate Amendment "A" (S-284)** to **Committee Amendment "A" (S-280)** was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (S-280) as Amended by Senate Amendment "A" (S-284)** thereto was **ADOPTED**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-280) as Amended by Senate Amendment "A" (S-284)** thereto in 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" (S-313)** on Bill "An Act To Provide Greater Access to Treatment for Serious Mental Illness by Prohibiting an Insurance Carrier from Requiring Prior Authorization or Step Therapy Protocol"

(S.P. 420) (L.D. 1268)

Signed:  
Senators:  
SANBORN of Cumberland  
BRENNER of Cumberland  
STEWART of Aroostook

Representatives:  
ARFORD of Brunswick  
BLIER of Buxton  
BROOKS of Lewiston  
CONNOR of Lewiston  
EVANS of Dover-Foxcroft  
MATHIESON of Kittery  
MORRIS of Turner  
QUINT of Hodgdon

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

Signed:  
Representatives:  
TEPLER of Topsham  
MELARAGNO of Auburn

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-313)**.

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

Representative MELARAGNO of Auburn **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. 314**

YEA - Alley, Andrews, Arata, Arford, Austin, Babbidge, Bernard, Bickford, Blier, Blume, Bradstreet, Cardone, Carlow, Carmichael, Cebra, Collamore, Connor, Copeland, Corey, Costain, Cuddy, Dillingham, Dolloff, Doore, Doudera, Downes, Drinkwater, Ducharme, Evans, Faulkingham, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Harnett, Hasenus, Head, Hepler, Hutchins, Hymanson, Johansen, Kessler, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Madigan, Martin J, Martin R, Mason, Mathieson, McCreight, McDonald, Millett, Morris, Nadeau, Newman, O'Connor, O'Neil, Parry, Paulus, Peabworth, Perry A, Perry J, Pickett, Poirier, Quint, Riseman, Roeder, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tucker, Tuell, Tuttle, Underwood, Wadsworth, White B, White D, Zager, Mr. Speaker.

NAY - Bailey, Bell, Berry, Brennan, Brooks, Bryant, Caiazzo, Cloutier, Collings, Crafts, Craven, Crockett, Dodge, Dunphy, Evangelos, Fay, Geiger, Gere, Gramlich, Grohoski, Landry, Lookner, Matlack, McCreia, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, Osher, Pierce, Pluecker, Reckitt, Rielly, Roberts, Sachs, Salisbury, Sheehan, Stover, Sylvester, Talbot Ross, Tepler, Terry, Warren C, Warren S, Williams, Wood, Zeigler.

ABSENT - Fecteau, Grignon, Hanley, Harrington, Javner, Martin, Ordway, Perkins, Prescott, Roche, Sharpe, Supica.

Yes, 90; No, 49; Absent, 12; Excused, 0.

90 having voted in the affirmative and 49 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-313)** 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-313)** in concurrence.

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-287)** on Bill "An Act To Adopt the Peer-to-Peer Car Sharing Program Model Act"

(S.P. 470) (L.D. 1420)

Signed:

Senators:

SANBORN of Cumberland  
BRENNER of Cumberland  
STEWART of Aroostook

Representatives:

BLIER of Buxton  
CONNOR of Lewiston  
EVANS of Dover-Foxcroft  
MATHIESON of Kittery  
MORRIS of Turner  
QUINT of Hodgdon

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-288)** on same Bill.

Signed:

Representatives:

TEPLER of Topsham

ARFORD of Brunswick  
BROOKS of Lewiston  
MELARAGNO of Auburn

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-287)**.

**READ**.

Representative TEPLER of Topsham moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

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

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

Representative **MORRIS**: Thank you, Mr. Speaker. I rise in opposition to the pending motion. As you can see, there are two Ought to Pass Reports here, including one that is a bipartisan Majority Report. The biggest difference between these two reports and why this one is not sufficient is because this would exempt the car sharing platforms, would do away with their exemption from vicarious liability. This is an exemption that the rental car companies have. If you are able to find a rental car in today's environment, if you get into an accident with someone with a rental car, the rental car company, Hertz, whoever is exempted from the liability. the other party cannot sue the rental car company. All we are asking for, what this would do is this would say that if an individual Mainer were to rent their car and use Turo and remember, these are a conduit similar to Airbnb or Uber, that it would allow them to sue the platform and they could also go after the individual who owns the car. It does not make sense. This would hurt average Mainers trying to make money by renting their vehicles to someone else that may be coming up from the public. The only people who testified in favor of doing this amendment were trial lawyers. So, I would urge this Body to reject this motion, let's pass the bipartisan Majority Report. Thank you.

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

Representative **BLIER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise today rejecting this motion. Very rarely do we see the Minority Report brought forward. Most of the times, we see the Majority Report. And basically, you know, the reason the Minority Report is being brought in front of us currently is because this would allow lawyers to sue. And what's important to know here is that this will take money out of Mainers and give the money to large corporations, large car rental companies and give it to out-state corporations. This is what this Minority Report does. We have nine members who do the hard work in the committee choosing, after they've listened to people, choosing to pass the Majority Report. But yet, on the floor, we have before us the Minority Report. And so I don't know why they chose to move the Minority Report, I don't know if it's a personal reason, but --

The SPEAKER: The Member will defer. The Chair will remind the Member to not question the motives of other Members. The Member may proceed.

Representative **BLIER**: Thank you, Mr. Speaker, I apologize. But I think that we need to look at who's doing the work, the work is being done in the committees and we have

nine members in the Majority Ought to Pass and we have a four-member on the Minority Report. And I think we need to move the Majority and not the Minority. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Tepler.

Representative **TEPLER**: Thank you, Mr. Speaker and I apologize for jumping the gun on my good friend on the other side of the aisle. That was just an error; I heard Topsham. I rise to point out that it's not about lawyers suing, it's about consumers and individuals who are innocent third parties in an accident that might occur outside of the transaction between a person who is sharing their car and the person who rents it. So, if that person hits you and you are really badly injured and the car sharing app has no liability for that injury beyond the liability that an individual with the least amount of liability insurance allowed in the State of Maine has, you may not get your hospital bills paid for even though you were hit by someone else who shared a car through a car-sharing app. I also do not believe that the kind of startups and technologies that apps provide are the same as storefronts. Amazon isn't necessarily competing on an unlevel playing field with storefronts. So, I'm not convinced that it's necessary for us to level this playing field for this brand-new market. Thank you.

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

Representative **MORRIS**: Thank you, Mr. Speaker. I would just again comment the same thing if somebody rents from Hertz or from Budget Rental Cars, we are asking for the exact same level playing field. If you rent from them, you cannot sue them, it's whatever that individual has for insurance that is renting the car, whatever the State minimums are. So, we are asking the same thing. Nowhere else where this act has been done to facilitate these car-sharing apps have we done away with the exemption for vicarious liability. We are just asking that the same thing be done; that is what the majority of the committee wanted. Thank you.

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

Representative **BLIER**: Thank you, Mr. Speaker. All this does is it equals the playing field. It keeps the residents of Maine using this vehicle to rent their vehicles and large rental companies on the same playing field. And if we accept the Minority Report, Maine will be the only state in the nation that chooses this type of model. No other state chose this type of model. That's a very important point. Thank you.

Representative **QUINT** of Hodgdon **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **BROOKS**: Thank you, Speaker, Women and Men of the House. This report, the motion that was made, is about peer-to-peer car sharing. I had not been familiar at all with peer-to-peer car sharing until being in the committee. This is a situation where a person lends their car out to another person through an app and there are some major apps there. So, this risk that the company, the app, is taking, needs to be addressed. If they can't assure, like, rental car companies I think have a better process, but I'm not sure, about making sure the driver and the person lending the car are covered. And I think that it's important that the insurance from the rental from the peer-to-peer app, it's important that they have some responsibility for this transaction and I'd hate to be walking across the street at a crosswalk and hit by said car that was

rented or that was loaned through this app without having some sort of protection for that innocent third party, me being the innocent third party, perhaps. But I think this is important to defend the consumer or the person that could be hit accidentally.

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

**ROLL CALL NO. 315**

**YEA** - Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Cardone, Copeland, Crafts, Craven, Cuddy, Dodge, Doore, Doudera, Dunphy, Gere, Gramlich, Harnett, Hasenfus, Lookner, Martin J, Martin R, McCrea, McCreight, Melaragno, Millett, Morales, O'Connell, O'Neil, Osher, Pebworth, Perry, Reckitt, Rielly, Roberts, Roeder, Salisbury, Sheehan, Sylvester, Talbot Ross, Tepler, Tucker, Tuttle, Warren C, Warren S, Williams, Zeigler.

**NAY** - Alley, Andrews, Arata, Austin, Bernard, Bickford, Blier, Bradstreet, Caiazzo, Carlow, Carmichael, Cebra, Cloutier, Collamore, Collings, Connor, Corey, Costain, Crockett, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Evangelos, Evans, Faulkingham, Fay, Foster, Geiger, Gifford, Greenwood, Griffin, Grohoski, Haggan, Hall, Harrington, Head, Hepler, Hutchins, Hymanson, Johansen, Kessler, Kinney, Kryzak, Landry, Lemelin, Libby, Lyford, Lyman, Madigan, Mason, Mathieson, Matlack, McDonald, Meyer, Millett, Moriarty, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Paulhus, Perry, Pickett, Pierce, Pluecker, Poirier, Quint, Riseman, Rudnicki, Sachs, Sampson, Skolfield, Stanley, Stearns, Stetkis, Stover, Terry, Theriault, Thorne, Tuell, Underwood, Wadsworth, White B, White D, Wood, Zager, Mr. Speaker.

**ABSENT** - Fecteau, Grignon, Hanley, Javner, Martin, Perkins, Prescott, Roche, Sharpe, Supica.

Yes, 50; No, 91; Absent, 10; Excused, 0.

50 having voted in the affirmative and 91 voted in the negative, with 10 being absent, and accordingly the Minority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, on motion of Representative **TEPLER** of Topsham, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-287) 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-287)** in 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" (S-312)** on Bill "An Act To Promote Individual Retirement Savings through a Public-Private Partnership"

(S.P. 515) (L.D. 1622)

Signed:

Senators:

SANBORN of Cumberland  
BRENNER of Cumberland  
STEWART of Aroostook

Representatives:

TEPLER of Topsham  
ARFORD of Brunswick

BLIER of Buxton  
BROOKS of Lewiston  
CONNOR of Lewiston  
EVANS of Dover-Foxcroft  
MATHIESON of Kittery  
MELARAGNO of Auburn

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

Signed:

Representatives:

MORRIS of Turner  
QUINT of Hodgdon

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-312)**.

**READ.**

Representative TEPLER of Topsham 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: 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. 316**

YEA - Alley, Arata, Arford, Austin, Babbidge, Bailey, Bell, Bernard, Berry, Bickford, Blier, Blume, Bradstreet, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carlow, Cebra, Cloutier, Collamore, Collings, Connor, Copeland, Corey, Costain, Crafts, Craven, Crockett, Cuddy, Dillingham, Dodge, Dolloff, Doore, Doudera, Downes, Drinkwater, Ducharme, Dunphy, Evangelos, Evans, Faulkingham, Fay, Foster, Geiger, Gere, Gramlich, Greenwood, Griffin, Grohoski, Haggan, Hall, Harnett, Harrington, Hasenfus, Head, Hepler, Hymanson, Johansen, Kessler, Kinney, Kryzak, Landry, Lemelin, Lookner, Lyford, Lyman, Madigan, Martin J, Martin R, Mason, Mathieson, Matlack, McCreight, McDonald, Melaragno, Meyer, Millett H, Millett R, Morales, Moriarty, Nadeau, Newman, O'Connell, O'Connor, O'Neil, Ordway, Osher, Parry, Paulhus, Peabworth, Perry A, Perry J, Pickett, Pierce, Pluecker, Poirier, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sampson, Sheehan, Skolfield, Stearns, Stover, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Thorne, Tucker, Tuell, Tuttle, Underwood, Warren C, Warren S, White B, White D, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Carmichael, Gifford, Hutchins, Libby, Morris, Quint, Rudnicki, Stanley, Stetkis, Wadsworth.

ABSENT - Fecteau, Grignon, Hanley, Javner, Martin, Perkins, Prescott, Roche, Sharpe, Supica.

Yes, 130; No, 11; Absent, 10; Excused, 0.

130 having voted in the affirmative and 11 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-312)** 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-312)** in concurrence.

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass** on Bill "An Act To Clarify the Deferral of the Pooled Market and Link Small Employer Clear Choice to Pooling in the Made for Maine Health Coverage Act" (S.P. 570) (L.D. 1725)

Signed:

Senators:

SANBORN of Cumberland  
BRENNER of Cumberland

Representatives:

TEPLER of Topsham  
ARFORD of Brunswick  
BROOKS of Lewiston  
EVANS of Dover-Foxcroft  
MATHIESON of Kittery  
MELARAGNO of Auburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-285)** on same Bill.

Signed:

Senator:

STEWART of Aroostook

Representatives:

BLIER of Buxton  
CONNOR of Lewiston  
MORRIS of Turner  
QUINT of Hodgdon

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

**READ.**

Representative TEPLER of Topsham moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

Representative MORRIS of Turner **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 Turner, Representative Morris.

Representative **MORRIS**: Thank you, Mr. Speaker. I rise in opposition to the pending motion. This is, I guess you can call it a fix to the bill last year. What happened was the bill last year when we created the clear choice designs plan, there was a provision in there to pool the market. One of the provisions was that they had to show that there would be no harm done to the individual market or the small group market, that the rates would stay the same. What this bill is attempting to do is codify what they've already tried to do, that if they had told us a year ago that the plan was to pool the market absent the provision of the Maine guaranteed access reinsurance program that has helped to bring down insurance rates in the individual market, if that had been on the table last year, this wording had been on the table last year, we would have opposed it. So, it's very troubling to have this before us trying to codify this in law what they've

already tried to do, we believe that the superintendent should be seeking other options for pooling the market, for helping the small group market and not attempting to do this. If we enact this, we are basically codifying in law that health insurance premiums will rise in the individual market. For that reason, I oppose this motion and urge this Body to reject it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Tepler.

Representative **TEPLER**: Thank you, Mr. Speaker. I simply want to say that this bill was brought to us by the Bureau of Insurance to help with a delay that is necessary because of the pandemic in the plans to combine the small group and the individual market in order to shore up our small group market. And the aspects of the bill that deal with whether or not that will be successful remain from the last bill. It still is depending on the fact that it must bring down costs. Thank you.

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

**ROLL CALL NO. 317**

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

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

ABSENT - Cebra, Fecteau, Grignon, Hanley, Harrington, Javner, Martin, Perkins, Prescott, Roche, Sharpe, Supica.

Yes, 82; No, 57; Absent, 12; Excused, 0.

82 having voted in the affirmative and 57 voted in the negative, with 12 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** in concurrence.

Majority Report of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought Not to Pass** on Bill "An Act To Enhance Private Property Protections Using Modern Technology"

(S.P. 497) (L.D. 1583)

Signed:

Senators:

CURRY of Waldo  
CYRWAY of Kennebec

Representatives:

ROBERTS of South Berwick  
AUSTIN of Gray  
BAILEY of Gorham  
BERNARD of Caribou  
COLLAMORE of Pittsfield  
GEIGER of Rockland  
HASENFUS of Readfield  
PEBworth of Blue Hill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-310)** on same Bill.

Signed:

Representative:

ANDREWS of Paris

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

**READ**.

On motion of Representative ROBERTS of South Berwick, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-274)** on Bill "An Act Authorizing the Attorney General To Enter into Contingent Fee Agreements"

(S.P. 403) (L.D. 1236)

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

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

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

Signed:

Senator:

KEIM of Oxford

Representatives:

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

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-274)**.  
**READ**.

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

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

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

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

**ROLL CALL NO. 318**

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

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

**ABSENT** - Fecteau, Grignon, Hanley, Javner, Martin, Perkins, Prescott, Roche, Sharpe, Supica.

Yes, 82; No, 59; Absent, 10; Excused, 0.

82 having voted in the affirmative and 59 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-274)** 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-274)** in concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act Regarding the Parental Right To Direct the Health Care of Children"

(S.P. 405) (L.D. 1292)

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship

McCREIGHT of Harpswell  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-272)** on same Bill.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden  
POIRIER of Skowhegan

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

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

**READ.**

Representative HARNETT of Gardiner moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

The **SPEAKER**: 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. 319**

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

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

**ABSENT** - Fecteau, Grignon, Hanley, Javner, Martin, Perkins, Prescott, Roche, Sharpe, Supica, Tucker.

Yes, 81; No, 59; Absent, 11; Excused, 0.

81 having voted in the affirmative and 59 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Support Health Care Providers during State Public Health Emergencies" (S.P. 469) (L.D. 1419)

Signed:

Senators:

CARNEY of Cumberland  
KEIM of Oxford  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
HAGGAN of Hampden  
McCREIGHT of Harpswell  
POIRIER of Skowhegan  
RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:

Representative:

MORIARTY of Cumberland

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

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

**READ.**

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

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-309)** on Bill "An Act To Protect Taxpayers in the Privatization of Services and To Establish the State Procurement Review Committee"

(S.P. 289) (L.D. 875)

Signed:

Senators:

BALDACCI of Penobscot  
CLAXTON of Androscoggin

Representatives:

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

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

Signed:

Senator:

ROSEN of Hancock

Representatives:

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

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-309)**.

**READ.**

Representative MATLACK of St. George moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative TUELL of East Machias **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. 320**

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

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

ABSENT - Fecteau, Grignon, Hanley, Javner, Martin, Perkins, Prescott, Roche, Sharpe, Supica.

Yes, 82; No, 59; Absent, 10; Excused, 0.

82 having voted in the affirmative and 59 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-309)** 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-309)** in concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Excuse Certain Marketplace Sellers and Facilitators for Failing To Collect and Remit Sales and Use Taxes on Ammunition Sales" (S.P. 449) (L.D. 1362)

Signed:

Senators:

CHIPMAN of Cumberland  
LIBBY of Androscoggin

Representatives:

TERRY of Gorham  
BICKFORD of Auburn  
COLLINGS of Portland  
GRAMLICH of Old Orchard Beach  
MATLACK of St. George  
PERRY of Bangor  
SACHS of Freeport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-311)** on same Bill.

Signed:

Senator:

POULIOT of Kennebec

Representatives:

HANLEY of Pittston  
KRYZAK of Acton

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

**READ.**

Representative TERRY of Gorham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **BICKFORD**: Thank you, Mr. Speaker. I'll try not to speak 38 times today. I'm going to read an excerpt from the testimony we had from David Trahan from Sportsman's Alliance of Maine. And what he says is; recently Maine began requiring companies to collect and pay sales taxes on the sale of ammunition and the ammunition loading equipment. In-state retailers have complied with this new requirement by collecting sales tax at the point of sale. However, many online companies were unaware of this new requirement. And I'm going to tell you, as a member of the Tax Committee, with the number of bills that come through and the tax regulations changing, sometimes on a monthly basis, I can understand what's going on. He adds that; however, many online companies were cited by Maine Revenue Services recently and issued penalties and interest. These penalties, interest and back sales taxes make it very difficult for these businesses to continue selling their products in Maine. We do not object to this enforcement action and have no concerns with this new policy. Mr. Speaker, Ladies and Gentlemen of the House, all this is is a one-time amnesty program to allow them to pay the sales taxes that are owed but just to forego the penalties and interest. I know there's a whopping, huge fiscal note on this of \$9,000, I don't know if the

State can bear that, but, Mr. Speaker, please follow my light and vote the pending motion down. 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. 321**

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

NAY - Alley, Andrews, Arata, Austin, Bernard, Bickford, Blier, Bradstreet, Carlow, Carmichael, Cebra, Collamore, Connor, Corey, Costain, Dillingham, Downes, Drinkwater, Ducharme, Evangelos, Faulkingham, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Harrington, Hasenfus, Head, Hutchins, Johansen, Kinney, Kryzak, Landry, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Pickett, Poirier, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Cuddy, Dolloff, Fecteau, Grignon, Hanley, Javner, Martin, McDonald, Perkins, Prescott, Roche, Sharpe, Supica, Williams.

Yes, 74; No, 63; Absent, 14; Excused, 0.

74 having voted in the affirmative and 63 voted in the negative, with 14 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Ensure Equitable Taxation of Off-track Betting Facilities" (S.P. 390) (L.D. 1205)

Signed:

Senators:

LUCHINI of Hancock  
HICKMAN of Kennebec

Representatives:

COREY of Windham  
KINNEY of Knox  
McCREIGHT of Harpswell  
RIELLY of Westbrook  
SUPICA of Bangor  
WOOD of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-307)** on same Bill.

Signed:

Senator:

FARRIN of Somerset

Representatives:

CAIAZZO of Scarborough  
DOLLOFF of Milton Township  
HARRINGTON of Sanford  
TUTTLE of Sanford

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

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

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Four Members of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "B" (S-290)** on Bill "An Act To Protect Maine Consumers from Unsupported Price Increases on Prescription Medicines by Creating an Independent Review Process"

(S.P. 262) (L.D. 675)

Signed:

Representatives:

ARFORD of Brunswick  
BROOKS of Lewiston  
EVANS of Dover-Foxcroft  
MELARAGNO of Auburn

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (S-289)** on same Bill.

Signed:

Senators:

SANBORN of Cumberland  
BRENNER of Cumberland

Representatives:

TEPLER of Topsham  
MATHIESON of Kittery

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

Signed:

Senator:

STEWART of Aroostook

Representatives:

BLIER of Buxton  
CONNOR of Lewiston  
MORRIS of Turner

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-290)**.

**READ.**

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

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

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

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

Representative **MORRIS**: Thank you, Mr. Speaker. This is a very difficult issue, as we know. I think we've all had those constituents or family members that have dealt with the high cost of prescription drugs and sometimes when those drugs have taken a high price, it's hard as legislators to not want to do something and your heart goes out to them and it becomes very, very difficult when we hear those stories and we all want to do something to help and I certainly applaud the individuals on this report wanting to do something about this. It's an important issue. However, I also took an oath to the Constitution and we have to follow the Constitution on these matters and this bill is unconstitutional. I think some of the real issues of it are that we're trying to regulate out-of-state commerce, which is completely in the purview of the federal government. It is attempting to regulate what is being done between manufacturers and wholesalers in transactions that take place outside Maine and determine that the price that they are charging is too high.

During the work session, we were fortunate to be joined by the Attorney General's Office. I asked him these questions. The answers that he gave me gave me great concern about the legislation. In particular, the issue being I asked him a couple questions, number one, are the concerns raised by the opponents of this bill about the constitutionality of it valid and I asked him what are our chances of prevailing in court and what happens if we were to lose that case. And the answers he gave me gave me great concern. If we challenge this in court, they said it's a 50/50 chance. And some lawyers can be really optimistic, I think that's probably on the optimistic side that it's a 50/50 chance. There seemed to be some suggestion that there were real concerns about the commerce clause and the dormant commerce clause as raised by the opponents. In particular, the issue that really concerned me was their statement that if we lose, we would be liable for the court fees of the prevailing side and those court fees could approach \$2 million. And I just think as someone we're trying to look out for the taxpayers here as well, I think if something that could potentially cost our taxpayers \$2 million if we lose at a 50/50 chance and I think that's on the optimistic side, I cannot support this particular report. So, I thank you and I hope that the House will join me in voting down the pending motion. Thank you.

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

Representative **BLIER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think we all want the same thing, right? We want affordable prescription drugs to all our members of our great State of Maine. I'm not going to illustrate what the Good Representative from Turner stated, but just a few key points that is important. When the Attorney General was in front of us, he said, at best, because this is an unconstitutional order, at best to win this would be 50%; at best. And what's important to know that in the State of Maryland, they already tried this and they lost and it cost the State of Maryland \$1.7 million. And so, because it is unconstitutional, I say that, you know, even though we want affordable prescription drugs for our great State of Maine and our citizens of our State, taking the risk of a less than 50% chance on an unconstitutional lawsuit is really not the way to go. Thank you very much.

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



Representative **MELARAGNO**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, the pharmaceutical companies will sue. That's what they do. I do want to also note that the Attorney General's Office did appear before us in both of our work sessions and straight from the Attorney General's mouth was that they are prepared to defend this if it comes to that. The one and a half million or so that it may cost us does not compare to the billions of dollars that Mainers spend on pharmaceuticals every year. The newest Alzheimer's drug just approved by the FDA is \$56,000 a year. It costs \$56,000 a year; you did not mishear me. This industry charges criminally-inflated prices and they get away with it. They've been fleecing our constituents for years. The public needs and wants us to act. We need to act and this is the report that most closely reflects the intent of the bill and I hope that you can support it along with me. Thank you, Mr. Speaker.

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

Representative **EVANS**: Thank you, Mr. Speaker. There is no question that over the years the pharmaceutical industry has made significant contributions to the people of Maine and around the world. But somewhere along the way, the benefit scale has tilted heavily in favor of Big Pharma. In 2018, Americans spent \$535 billion on prescription drugs, an increase of 50% since 2010. These companies receive taxpayer dollars for the creation and marketing of new drugs, benefit from research and development tax credits, receive tax deductions for marketing and advertising and benefit from patents which give them monopoly power for their on-patent products, ensuring prices remain high by the reduction of competition. The Maine Health Data Organization reports that last year, Mainers paid an additional \$165 million over the previous year for the top 25 drugs sold in Maine. Also, in 2018, the CEOs of three major companies were paid a total of \$90 million. Now, I respect and I believe that my colleagues on the HCIFS committee as well as my colleagues here in the Legislature clearly are deeply concerned and clearly want to do something about this matter. But understandably, the issue that we are facing is the issue of Big Pharma.

The Deputy Assistant Attorney General did appear before our committee and the comments by my colleague from Turner relative to the 50/50 chance of prosecution of challenging this lawsuit that is anticipated. The issue is that it's an anticipated lawsuit. The following day, our committee heard directly from the Attorney General himself who said that his office had collaborated with the sponsors of two bills relative to prescription drug costs. In addition, he acknowledged that he and his office were prepared to defend any challenges by the pharmaceutical industry. What we have to remember is that the pharmaceutical industry, they thrive on threats and lawsuits; that's what they do. Now, as legislators we have a moral obligation and a duty as legislators to protect the interests of our constituents. High prescription drug costs are out of control at this point in time. Despite that fact, the corporations, the pharmaceutical industry, continues to reap profits. So, the problem that we're facing is Big Pharma. We have an opportunity to do something at this point in time. We should not today nor should we ever be faced not to act because of a potential threat. The issue of the Constitution will be remedied in court. And, to our credit, we have an Attorney General who is willing to take on that challenge. I think that is the right thing to do and I would ask that my colleagues support this legislation. 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. 322**

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

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

**ABSENT** - Cebra, Dolloff, Grignon, Hanley, Javner, Martin, Ordway, Perkins, Prescott, Roche, Sharpe, Supica.

Yes, 81; No, 58; Absent, 12; Excused, 0.

81 having voted in the affirmative and 58 voted in the negative, with 12 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (S-290)** 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" (S-290)** in concurrence.

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Four Members of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "B" (S-283)** on Bill "An Act To Prevent Excessive Prices for Prescription Drugs"

(S.P. 380) (L.D. 1117)

Signed:

Representatives:

ARFORD of Brunswick  
 BROOKS of Lewiston  
 EVANS of Dover-Foxcroft  
 MELARAGNO of Auburn

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (S-282)** on same Bill.

Signed:

Senators:

SANBORN of Cumberland  
 BRENNER of Cumberland

Representatives:

TEPLER of Topsham  
MATHIESON of Kittery

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

Signed:

Senator:

STEWART of Aroostook

Representatives:

BLIER of Buxton  
CONNOR of Lewiston  
MORRIS of Turner

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-283)**.

**READ.**

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

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

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

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

Representative **MORRIS**: Thank you, Mr. Speaker. I guess I noticed this on the calendar this morning that there was some confusion and I guess it was a harbinger of things to come today. I rise in opposition to this motion as well. I would just reiterate what I said a few minutes ago. I certainly appreciate what the Members here are trying to do on this report, trying to bring down the price of drugs or trying to do something about the price of prescription drugs, but the same issues remain on the constitutionality piece. When the Attorney General was there, the same issue and I want to just clear up the confusion; the first day, we did have someone from the Attorney General's Office and the second day, that is true, the Attorney General, well, he did say they are ready to defend these laws, he did not back off or when I asked him for clarification if there was a better than 50% chance that we would win, he did not back off from that statement. He agreed that it is a 50/50 split, if you will. And this raises the same issues; we're trying to regulate interstate commerce, things that happen beyond our borders that as a State we cannot regulate. This is something that Congress can regulate, the State cannot. I certainly understand and agree that there are issues with prescription drug prices. I know, having grandparents as well as, as I said earlier, dealing with constituents, but unfortunately these bills are not the way to go. There have already been court cases, as my good friend from Buxton said earlier, in Maryland where this tactic was deemed unconstitutional. So, for those reasons, Mr. Speaker, I will be opposing the pending motion. Thank you.

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

Representative **MELARAGNO**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I think we need to fight this fight. I think that's what our constituents want. Mr. Speaker, as Maine is the oldest State in the nation, so many of our constituents live on fixed incomes and have a greater need for prescription medication, yet the cost for these critical

medications keep rising, even for generic medications. Our own Maine Health Data Organization reported that in 2019, 53 generic medications that they gather data on increased in price by 109%. And these are supposed to be the affordable medications. And a 2020 study revealed that drug manufacturers continue to increase prices even amidst the pandemic. We've long known that health care costs and costs of prescription drugs are a major obstacle for many Mainers to maintain good health. When health care costs rise, this impacts our ability to cover other basic expenses. These rising costs are especially felt by those with the smallest financial cushion. When faced with the choice between paying for food, housing, transportation for work or school and health care, many Mainers skip necessary health care and make their prescriptions stretch by taking less than prescribed or not taking them at all. This has serious implications for Mainers' health and quality of life. It's unthinkable that while pharmaceutical companies are already profiting by billions of dollars, another exorbitant price hike for a life-saving medication could send a family spiraling into debt or even bankruptcy. LD 1117 would ensure that these large corporations are held to account when they institute price increases for generic and off-patent drugs. It does not prohibit increases outright but makes explicit that excessive increases that cannot be justified will be penalized. This legislation, which would put an end to prescription drug price gouging is a critical piece of the puzzle needed to address our broken health care system and help make already outlandish health care costs more manageable for Mainers. Mr. Speaker, 79% of Americans believe that pharmaceutical prices are unreasonable. They want and need us to act. Please support this motion. Thank you.

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

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, those of us on fixed incomes that are retired on Social Security, we can't afford the price of gas going up by 30% in the last year. We can't afford the price of hamburger, chicken, or steak, which has gone up significantly. But it's not the role of government to regulate those prices. That's private industry, Mr. Speaker. Mr. Speaker, I would never support the Attorney General or anywhere else, or anyone else in this State trying to defend costing the taxpayers even more money, an unconstitutional bill. Thank you.

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

Representative **BROOKS**: Speaker, Women and Men of the House, medications are prescribed to help prevent a condition or to treat a condition when it would help benefit the patient. Medications too often are limiting the price, the affordability is not there for too many Mainers. This bill seeks to address part of the problem and to increase transparency on the same problem that we face. It is really critical that these early interventions can take place and it would save a lot of money and a lot of pain and suffering, more importantly, to have medications that work for the patient. And, unfortunately, we are choosing between our health with prevention and treatment and the market. And I do believe this question of constitutionality is debated on this issue and I'll stop there.

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

Representative **GREENWOOD**: Mr. Speaker, I rise as a point of clarification.

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

Representative **GREENWOOD**: The Paperless Chamber has us on Supplement 9, 6-1, LD 1117, or are we in the regular House Calendar, 6-24 on page 34, which is LD 1117?

The **SPEAKER**: The Chair would advise that we are on Supplement No. 9, item 6-1.

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

Representative **EVANS**: Thank you, Mr. Speaker. I'm not going to spend the time to repeat what I said earlier because I think those words reflect what's happening as far as this particular LD is concerned. The problem that I'm having is the concern about the Constitution, that these bills may not be constitutional. You know, I think that we all have an allegiance to the Constitution, we do that every morning. I spent time in the Air Force as a medical group commander. I took an oath to the Constitution of the United States. Several other people in this chamber did the same thing. We also took an oath to the Constitution of the State of Maine. The Constitution allows for a legal redress of any particular grievance. So, my belief in the Constitution is whole, I am in complete support and I will defend it to the end. We should be doing the same thing for patients because of the rising pharmaceutical costs and prices, which in a lot of cases are abusive and just unfair to patients. As a result, you have patients who are suffering. Patients are having to decide between do I pay the rent, do I get gas for the car or do I do something extracurricular. Those decisions should not be put ahead of whether or not a person is going to pay for their medication. We're talking about life and death here. We cannot toy with peoples' lives by stripping them of the medications that they need. Big Pharma is in a situation of price gouging. They are content with the system the way it is. I agree with my committee-mate, Representative Melaragno. We are being subjected to continued threats; if you don't do this or if you change this, we will sue you. My response to that is sue us. The Attorney General is there, he came himself and he said that he and his office are prepared to take on any challenges of these bills. I respect what he says, I think that he is in a better position to judge. The previous day we had heard from an Assistant Attorney General who was not as well-versed on the issue as the Attorney General was. So, we have to make a decision. When is it going to be a good day to take on Big Pharma? Just think about that for a minute; when is it going to be a good day? Monday through Sunday, we have seven days to choose. Today is Wednesday. I think that day should start today. Thank you, Mr. Speaker.

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

Representative **BLIER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I hear what all Members are saying but what this bill does is that if you're a pharmaceutical company in our State, we're going to tell you what we're going to pay for that particular prescription. And if you're a pharmaceutical company and you say well, I can't sell it for that, it costs me more to make it, you know what I mean, I just won't sell it to you. Well, no, you can't do that because if you don't sell it to us, we will then fine you half a million dollars. That's what's illegal about this and that's why it's unconstitutional. Thank you.

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

Representative **HYMANSON**: Thank you, Mr. Speaker. I just wanted to give a real-world example of this and I have thought this through, this bill has come to us before in different ways and I understand the constitutionality but I'm really just tired of the whole thing and so I think we need to push the

envelope and get this on the books if it's going to be something that is brought in front of the court. So, my story is in my office I treat multiple sclerosis, which has a lot of drugs that are very expensive and one of the first drugs that came out came out at about \$12,000 a year. We all thought that was very expensive but good there was a drug. The second drug that came out not too long after that was one that was about \$36,000 a year. And we thought wow, that's expensive, but at least we have the first one that came out that was only \$12,000 and of course they're going to get market share because that's what happens, you have one that's less expensive and so people buy it because it's less expensive and it was a good drug. But, no, the drug went up to \$36,000 a year for no reason. And that's what's been happening with MS drugs. So if you look at the multiple sclerosis drugs, you will notice they are all priced about the same in the \$95,000 to above realm now, even the old ones and by old, I'm talking about 20 years old. So, I'm tired of it, I think we should push this issue and I'm going to vote in support of this motion. Thank you.

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

Representative **UNDERWOOD**: Thank you, Mr. Speaker, Ladies and Gentlemen of the 130th Legislature. The proper analogy of everybody should answer for themselves is do I pay for my drugs or do I pay for my taxes and that is the analogy that should be used to answer this question for each individual person. Thank you.

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

Representative **ARFORD**: Thank you, Mr. Speaker and thank you, I apologize. This is my first time speaking. Thank you, Mr. Speaker and I would like to recognize my esteemed colleagues in the hall. I rise because as a member of the Health coverage, Insurance and Financial Services Committee, I was one of the four that voted to support this motion and I feel it is an esteemed privilege to stand before you and say that I heard the Attorney General come to speak before us, which was very unusual for him to come to speak before us, simply to say to us it's time, I want to do this, please do your part, pass this bill, so that we can finally make generic drugs, because this bill is about generic drugs, affordable for the people of Maine. It's time, folks; let's do it.

The **SPEAKER**: The Chair recognizes the Representative from Topsham, Representative Tepler.

Representative **TEPLER**: Thank you, Mr. Speaker and I simply rise to explain that I will not be voting for this report. However, I will also not support the Ought Not to Pass Report. I believe that Report "B" amended by Committee Amendment "A" is the right way to go. It is a resolve --

The **SPEAKER**: The Member will defer. The Chair will remind the Member the question before us is Report "A", Ought to Pass as Amended by Committee Amendment "B". The Member may proceed.

Representative **TEPLER**: Thank you, Mr. Speaker. I apologize. I simply want to say that I understand the desire of those who wish to support this bill, however, I believe that it is not one of the levers that the State has available to pull to help our constituents with prices of drugs. Do I want to help my constituents with prices of drugs? Yes, I do and I have and I will continue to fight for that, but I will not be supporting this bill.

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. 323**

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

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

ABSENT - Cebra, Dolloff, Grignon, Hanley, Javner, Martin, Perkins, Prescott, Roche, Sharpe, Supica.

Yes, 80; No, 60; Absent, 11; Excused, 0.

80 having voted in the affirmative and 60 voted in the negative, with 11 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (S-283)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **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" (S-283)** in concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-663)** on Bill "An Act To Decriminalize Homelessness"

(H.P. 1093) (L.D. 1478)

Signed:

Senators:

DESCHAMBAULT of York  
LAWRENCE of York

Representatives:

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

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

Signed:

Senator:

CYRWAY of Kennebec

Representative:

RUDNICKI of Fairfield

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-663)** 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-663)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Eliminate Qualified Immunity for Police Officers"

(H.P. 149) (L.D. 214)

Signed:

Senators:

CARNEY of Cumberland  
KEIM of Oxford  
SANBORN of Cumberland

Representatives:

BABBIDGE of Kennebec  
CARDONE of Bangor  
HAGGAN of Hampden  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
POIRIER of Skowhegan  
RECKITT of South Portland  
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-680)** on same Bill.

Signed:

Representatives:

HARNETT of Gardiner  
EVANGELOS of Friendship

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

**READ.**

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Remove Coverage under the MaineCare Program for Abortions Not Covered by Medicaid"

(H.P. 553) (L.D. 748)

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-669)** on same Bill.

Signed:  
Senator:

KEIM of Oxford

Representative:

POIRIER of Skowhegan

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

**READ.**

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Ensure Women Are Informed of Abortion Pill Reversal"

(H.P. 619) (L.D. 851)

Signed:  
Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-670)** on same Bill.

Signed:  
Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden  
POIRIER of Skowhegan

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

**READ.**

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-678)** on Bill "An Act To Expand Recovery Services to Persons on Probation"

(H.P. 626) (L.D. 858)

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

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

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

Signed:  
Senator:

KEIM of Oxford

Representatives:

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

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-678)** Report.

**READ.**

On motion of Representative HARNETT of Gardiner, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-678)** was **READ** by the Clerk.

Representative McCREIGHT of Harpswell **PRESENTED House Amendment "A" (H-683)** to **Committee Amendment "A" (H-678)**, which was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (H-678) as Amended by House Amendment "A" (H-683)** thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-678) as Amended by House Amendment "A" (H-683)** thereto and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Conform State Funding to the Federal Hyde Amendment Limiting Funding for Some Abortion Services"

(H.P. 671) (L.D. 915)

Signed:  
Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-671)** on same Bill.

Signed:  
Senator:

KEIM of Oxford

Representative:

POIRIER of Skowhegan

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

**READ.**

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

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Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-673)** on Bill "An Act To Prohibit Discrimination in Housing Based on a Person's Participation in a Rental Assistance Program"

(H.P. 858) (L.D. 1180)

Signed:  
Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:  
Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden  
POIRIER of Skowhegan

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-673)** Report.

**READ.**

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

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Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Require Certain Medical Providers To Administer Ultrasounds and Provide Information to Certain Pregnant Patients"

(H.P. 900) (L.D. 1229)

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-672)** on same Bill.

Signed:  
Senator:

KEIM of Oxford

Representatives:

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

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

**READ.**

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

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Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-674)** on Bill "An Act To Establish Conviction Integrity Units in Maine"

(H.P. 933) (L.D. 1273)

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship

McCREIGHT of Harpswell  
RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden  
MORIARTY of Cumberland  
POIRIER of Skowhegan

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-674)** Report.

**READ.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-674)** 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-674)** and sent for concurrence.

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Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Guarantee Housing Rights during a State of Civil Emergency" (EMERGENCY)

(H.P. 952) (L.D. 1296)

Signed:

Senators:

CARNEY of Cumberland  
KEIM of Oxford  
SANBORN of Cumberland

Representatives:

BABBIDGE of Kennebunk  
CARDONE of Bangor  
HAGGAN of Hampden  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
POIRIER of Skowhegan  
RECKITT of South Portland  
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-675)** on same Bill.

Signed:

Representatives:

HARNETT of Gardiner  
EVANGELOS of Friendship

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

**READ.**

Representative HARNETT of Gardiner moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Subsequently, Representative HAGGAN of Hampden **WITHDREW** his **REQUEST** for a roll call.

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

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Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Protect Maine Businesses, Nonprofits, Educational Institutions and Municipalities during the COVID-19 Pandemic"

(H.P. 1037) (L.D. 1403)

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden  
POIRIER of Skowhegan

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

**READ.**

Representative HARNETT of Gardiner moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **DILLINGHAM**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. We are all aware the last year has taken a great economic toll on our employers. This bill is similar to proposals already in place or currently working their way through legislatures in 31 states and seeks to limit further economic hardship for employers through unwarranted litigation as they lead our State through economic recovery. This bill creates

limitations on liability for Maine's businesses, nonprofits, educational institutions and municipalities and lawsuits alleging personal liability due to exposure to coronavirus as businesses that followed government standards and guidance related to COVID-19. This bill does not seek to give immunity to any of those entities that did not follow rules and guidelines put in place to protect public health. Rather, it creates a threshold to dissuade lawsuits that have no basis in wrongdoing on the part of the employer or business owner for COVID-19 exposure. And I want to be very clear; in the instances where these cases can cite misconduct and malfeasance on the part of the business owner, then certainly there is cause for litigation and this proposal does not seek to provide a shield from liability any employer or business owner that has flouted regulations and guidance that can be held accountable. The intent of this proposal is not to prevent lawsuits in those cases.

This bill was supported by Mainers across all business sectors, including the Maine State Chamber of Commerce, Maine Grocers and Food Producers Association, Maine Municipal Association, Hospitality Maine, Maine Jobs Council, the New England Convenience Store and Energy Marketers Association, the Bangor Chamber of Commerce, Maine Motor Transportation, the American Heart Association, the Retail Association of Maine, Maine Tourism Association and the Maine School Management Association. Maine's employers have carried a great burden to survive the last year and to provide the essential services we all have and do rely on. They have invested thousands of dollars and collectively lost millions to do whatever was required of them by the State to ensure compliance with safety protocols to help ensure the health of citizens while still providing services. During the committee hearing, statements were made that since we haven't seen any cases here in Maine, this legislation is unnecessary. But I would put forth that we often pass legislation based on what-ifs. It's unnecessary, but why wouldn't we strive to provide stability to our nonprofits, our educational institutions, municipalities and businesses that have had none for 15 months. I ask that we provide them with assurance that they will be protected against unwarranted and costly lawsuits that could jeopardize their continued survival and please vote against this motion.

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

Representative **HARNETT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This bill limits liability and there has been no demonstration of the need for that. One of the fundamental concepts of our democracy and our constitution is where there is a right, there is a remedy. Many employees throughout the State of Maine have had to go to work as essential employees. If they were subject to negligence that made them sick and made them suffer, they should retain their right to seek redress. This bill could limit that or take that away. No employee should ever have to choose between their health and going to work. We have a system, civil system in this country and in this State that protects employers who are not negligent or protects anyone who is not negligent. There is no need to tinker with that system at this time. I ask you to support the pending motion.

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

Representative **DILLINGHAM**: Thank you, Mr. Speaker. I respect the Good Representative but I believe he is wrong. This bill was written and amendments offered to clear up any sort of language confusion that felt was present to make sure that this is not protecting those employers that are not providing a safe

workplace. This is to protect those employers who are doing everything that they are asked to do, they're doing it well and to protect them against any frivolous lawsuits. And there have been examples of this happening across the country, we just haven't seen it here yet in Maine, which isn't a good enough reason for the debate we just had talking about it's time to make sure that we go to court and we force this, saying now because we haven't had a lawsuit isn't good enough to say that we shouldn't be protecting these businesses that we have here in Maine, our nonprofits and our educational institutions. Thank you very much.

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. 324**

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

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

ABSENT - Cebra, Dolloff, Grignon, Hanley, Javner, Martin, Perkins, Prescott, Roche, Sharpe, Supica, Warren.

Yes, 81; No, 58; Absent, 12; Excused, 0.

81 having voted in the affirmative and 58 voted in the negative, with 12 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-676)** on Bill "An Act To Establish and Practice Restorative Justice"

(H.P. 1206) (L.D. 1617)

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
POIRIER of Skowhegan



RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:  
Senator: KEIM of Oxford

Representative: HAGGAN of Hampden

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-676)** Report.

**READ.**

On motion of Representative HARNETT of Gardiner, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-676)** 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-676)** and sent for concurrence.

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Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-668)** on Bill "An Act To Establish a System of Proportional Fines and To Repeal Certain Fees and Assessments" (H.P. 1213) (L.D. 1630)

Signed:  
Senators: CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:  
HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:  
Senator: KEIM of Oxford

Representatives:  
HAGGAN of Hampden  
POIRIER of Skowhegan

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-668)** Report.

**READ.**

On motion of Representative HARNETT of Gardiner, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-668)** 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-668)** and sent for concurrence.

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Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-677)** on Bill "An Act To Amend the Bail Code" (H.P. 1266) (L.D. 1703)

Signed:  
Senators: CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:  
HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:  
Senator: KEIM of Oxford

Representative: POIRIER of Skowhegan

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-677)** Report.

**READ.**

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

Representative HAGGAN of Hampden **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 Hampden, Representative Haggan.

Representative **HAGGAN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Probation is a very important tool for use in our criminal justice system to help keep people who commit crimes accountable to the process that they have found themselves in once crimes have been committed. Bail is an ages-old way to allow a person who finds themselves in these situations the privilege to obtain release in order to mount a proper defense as is afforded to each citizen by our constitution. Reasonable bail was a privilege that was afforded

by our Founding Fathers through our Eighth Amendment 232 years ago. When a person breaks conditions of bail, they forfeit their right to remain free. If we do not punish the breaking of conditions of bail, there will become in our society a lessening of respect for the law. Those who can simply get away with their actions. Bail is an added insurance card for the courts to say that you will actually show up to see your day in court. It is critically important that we hold people accountable when they break the law as set forth by our society. There must be some skin in the game for those who break our laws in order to compel them to return to receive their fair and just opportunity to adjudicate their case in the courts in order to establish their guilt or innocence. If we take bail away for a wide variety of crimes, we are opening up a slippery slope of potentially greater amount of future crimes by potentially more people. This will only end in our good law-abiding citizens paying a price they never signed up for. Innocent citizens will become the real losers in a system that rewards criminals for their misdeeds by not holding them accountable to this system that has guided our nation's scales of justice for more than 200 years. This bill, while well-meaning in its intent, is a dangerous bill that could undermine the fabric of our criminal justice system. If the bail commissioner's fees are also eliminated or up to the whim of whether or not sheriffs set up a fund who want to burden themselves with this kind of work, who would want to burden themselves with this kind of work? This is a very bad bill. It erodes at the very foundation of our justice system by threatening the sanctity of the very things that our founding fathers set in motion so many years ago. Please vote down this motion.

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

Representative **HARNETT**: Thank you, Mr. Speaker, Women and Men of the House. This bill is not about people who have committed crimes. This bill is about people who have been arrested and charged with a crime. As everyone in this room knows, every person in that situation is innocent until proven guilty. This bill does not eliminate bail. This bill eliminates cash bail in the lowest level of cases, of criminal cases, class E crimes, with some exceptions. It does not eliminate cash bail for the class E crime of sexual assault, for the class E crime allegedly committed against a family member and it doesn't exempt the violation of conditions of release on a prior release. What this bill does is it recognizes that justice should not depend on how much money a person has. In fact, the Supreme Court has said that a person cannot be incarcerated just because they are poor. Yet that is exactly what ends up happening with cash bail on class E crimes. Keeping people in jail pretrial because they cannot afford to pay their way out violates both the due process and equal protection clauses. Simply stated, cash bail creates two systems of justice; one for those with money and one for those without. It punishes people not for what they have done but whether or not they can afford their freedom awaiting trial. Incarcerating a person during that time has serious consequences. One, it costs the State of Maine taxpayers over \$100 a day. Two, if you have a job, you're going to lose that job. Three, if you have a home, you might lose your housing and your family might lose that housing. This does not eliminate conditions of bail. The bail commissioner can still tell a person you can't go near this person or you can't go on that property. They're still subject to all the other terms. What it does is it stops the criminalization of poverty. This is a good bill and to give you examples of class E crimes, what we're talking about are things like drinking in public, petty theft, trespass on a public beach, often crimes charged against people who are homeless. Let's

stop the criminalization of poverty and please support the pending motion.

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

Representative **THORNE**: Thank you, Mr. Speaker. We agree to disagree on this and, better than anyone could say it, Major Ross from the Maine State Police testified that this bill as written would have a detrimental impact on public safety and officer safety, leading to repeat calls for services without the ability to impose bail for the offender. Bail is intended to ensure one's appearance in court and to protect the greater public. The law enforcement officer's ability is also hamstrung when these conditions are removed. These are instances where an arrest and not a summons would be the better choice for law enforcement to have their hands-on situation. But when a summons is not a solution to the problem, an arrest may be the last resort to install peace into an unfortunate situation. Currently, law enforcement officers have discretion with the ability to issue a summons in lieu of an arrest. There are times when a summons is more appropriate than an arrest and vice versa. Law enforcement encounter multiple incidents where taking someone into custody and deciding not to issue a summons is the more appropriate course of action regarding public safety. When a law enforcement officer is unable to take an offender into custody or no bail exists, essentially removing the problem from the area, these incidents which usually start as nuisance complaints can quickly escalate, leading to more serious incidents and crime.

This bill would narrow the discretion of bail commissioners and judicial officers in setting bail. While prohibiting a financial condition from being imposed in some circumstances might make sense as a matter of public policy, narrowing the discretion of judicial officers in setting bail in the other ways the bill imposes would be a positive change as a public policy matter. The bill requires the pretrial release on personal recognizance or upon an unsecured appearance bond for a person charged with a class E offense. Having the problem or offender return to the area after an arrest would most likely escalate the situation and create more issues for the responding officer, further victimization and put the community at greater risk. Secured bail and conditional release safeguard the victims of the initial crime and the community at large. I urge you to follow my light and vote against the pending motion. Thank you.

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

Representative **DRINKWATER**: Thank you, Mr. Speaker. You know, in my world, I was brought up that if I'm gonna do the crime, I better be prepared to pay the fine. And I was always taught to be accountable for my own actions. You know, recently, I've been watching the news and I'm seeing in New York City the ramifications of no bail. I saw a person get bailed out, and they reported this on NBC news if anybody wants to doublecheck it, immediately released from jail before the officer could even finish his paperwork, down to the subway he goes and he pushes somebody onto the tracks.

Mr. Speaker, I'd like to pose a question through the Speaker, if I may?

The SPEAKER: The Member may proceed.

Representative **DRINKWATER**: In my town, we have a serious drug problem. In fact, my house has been broken into twice from drug addicts seeking material to sell for their habits. Would this no-bail condition apply to drug dealers and drug addicts in my town?

The SPEAKER: The Representative from Milford, Representative Drinkwater has posed a question to any Member who may care to respond. The Chair recognizes the Representative from Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: Thank you, Mr. Speaker. I believe probably everybody here would agree that if someone is arrested for an OUI, driving while intoxicated, dangerous on the roads and they are arrested for that, that they should probably have to sit and wait to pay bail and wait for somebody to come get them, so to make sure that they don't go right back onto the roads. So, may I pose a question through the Chair?

The SPEAKER: The Member may proceed.

Representative **FAULKINGHAM**: Is OUI one of the crimes that is covered under this no-bail law?

The SPEAKER: The Representative from Winter Harbor, Representative Faulkingham has posed a question to any Member who may care to respond. The Chair recognizes the Representative from Gardiner, Representative Harnett.

Representative **HARNETT**: Thank you, Mr. Speaker and I'll be very brief, rising a second time. This bill does not eliminate conditions of bail. What it does is it recognizes that people should not be incarcerated and deprived of their liberty simply because they lack the financial resources to post that bail. It doesn't prevent other conditions of bail from being imposed such as not returning to the place where you alleged to have caused trouble. And if you violate those conditions, that is an offense. That is an offense that will be dealt with at that time. It's about eliminating cash bail for low-level offenses for people who cannot afford it. People should not be in jail or prison because they are poor. I ask you to support the pending motion.

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

Representative **CARDONE**: Thank you, Mr. Speaker. I believe OUI is a class D crime, so it would not apply to this bill.

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

Representative **MORIARTY**: Thank you, Mr. Speaker. I should've jumped up earlier in response to a question presented from the floor involving the burglary of one's home. Burglary is not a class E crime, as I recall, it's a class B crime, much more serious and this bill would not apply to that alleged offense, only to the least serious of the crimes.

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. 325**

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

NAY - Andrews, Arata, Austin, Bernard, Bickford, Blier, Bradstreet, Carlow, Carmichael, Collamore, Connor, Corey,

Costain, Dillingham, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Harrington, Head, Hutchins, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Mason, Millett, Morris, Newman, O'Connor, Ordway, Parry, Pickett, Poirier, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Cebra, Dolloff, Grignon, Hanley, Javner, Martin, Perkins, Prescott, Roche, Sharpe, Supica.

Yes, 83; No, 57; Absent, 11; Excused, 0.

83 having voted in the affirmative and 57 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-677)** 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-677)** and sent for concurrence.

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-679)** on Bill "An Act To Protect Farm Workers by Allowing Them To Organize for the Purpose of Collective Bargaining"

(H.P. 107) (L.D. 151)

Signed:

Senators:

HICKMAN of Kennebec  
MIRAMANT of Knox

Representatives:

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

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

BRADSTREET of Vassalboro  
DRINKWATER of Milford  
MORRIS of Turner  
PRESCOTT of Waterboro

**READ.**

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

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

Representative **SYLVESTER**: Thank you, Mr. Speaker. We have many laws that protect workers in this land, but one of the groups that has fallen or been pushed through the cracks of those laws are farm workers. They've been left out of the fabric of laws not because they aren't workers, no one doubts that, the

work of a farm worker is hard, it's tedious and yet it is the value of pulling food from the very land and plants around us. What is devalued is the workers themselves. These workers are poor, white workers, they are poor, black workers, they are poor, brown workers, they are workers for whom this country did not see fit to protect. Now, farmers are valued in our country. No one doubts that. But they are valued for the land that they own and the productive use of that land to create this product that we all need. But what about the workers and who values them? Now, one of the laws that farm workers have been left out of is the collective bargaining laws of this country, both in the Section 7 rights enacted in the National Labor Relations Act, as well as the Maine Labor Relations Act.

Collective bargaining is the freedom of assembly in your workplace. Collective bargaining is the protection of collective action with your coworkers. And what this bill does is it allows farm workers to have the protection of that collective action, to come together and to try to solve problems at their workplace; the same protections that every other worker in this country has. Now, in working this bill, prior to this session, there were planned meetings to have four meetings with the groups of farmers and farm worker advocates. Due to COVID, we only had one. But I have talked to many, many, many farmers and what they told me is this; they do not fear talking to their workers about the issues that they have. They do not fear the idea of sitting down with their workers to discuss what the problems might be on their farm. And I applaud them for that. And this bill allows farm workers to have those very basic protections and that, Mr. Speaker, is why I ask this assembly to pass and support the Majority Ought to Pass motion. Thank you, Mr. Speaker.

Representative **BRADSTREET** of Vassalboro **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

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 Vassalboro, Representative Bradstreet.

Representative **BRADSTREET**: Thank you, Mr. Speaker. I do rise in opposition to the pending motion. When I've been looking at a lot of these bills we've been considering in committee, I note that some of them, a lot of them seem to be better on paper than they are in reality and I think this is one of them. Many years ago when I was in college and as you know now from the statement made by the not-so-good Representative from New Gloucester about my age, it's been some time. But I remember talking in a psychology class about the Gestalt Theory. And basically, when it applies to this, it's basically you have to look at the full view of something in order to really assess it correctly. Farming in Maine is unique. Much of it is seasonal, the people who are needed are needed on a seasonal basis, they need to do a lot of work in a short period of time when the farmers need them. In looking at the full view of this particular bill, the implementation of this bill may, indeed, help a few people, but we heard testimony from farmer after farmer on this bill and one coming after it how this would basically make their survivability very tenuous. There are a lot of farmers who have gone out of business. If you take a ride around the rural areas of Maine, you'll see a lot of old farmhouses that are no longer operating. Just a couple weeks ago, I heard from a friend of mine who is very aware of what's going on in the State with the agricultural industry and he said right in central Maine, there will probably be three more farms that will go out of business shortly, probably sometime this summer. This is a bill situation where there really has been

nobody testifying that it's necessary. The farm workers, by and large, get treated very well, they're provided not only with competitive wages, they are provided with such things as housing, transportation, food and other items as well. They like to come and work in Maine, especially the migrant workers like to work in Maine, they request that they can come year after year because it's a good opportunity for them. If we were to enact this bill, not only would we hurt the farmers who are struggling to survive but would also hurt the workers who depend on that work to send money home to their families. So, thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Wilton, Representative Hall.

Representative **HALL**: Thank you, Mr. Speaker. Could I ask a question through the Speaker?

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

Representative **HALL**: In the bill, it says farms under a certain size are exempt, with a limited number of workers. But, reading through the amendment, I could not find what that meant.

The **SPEAKER**: The Representative from Wilton, Representative Hall has posed a question to any Member who may care to respond. The Chair recognizes the Representative from Gardiner, Representative Harnett.

Representative **HARNETT**: The bill protects all workers who want to engage in concerted activity regardless of the size of the farm.

The **SPEAKER**: The Chair recognizes the Representative from Winterport, Representative Cuddy.

Representative **CUDDY**: Thank you very much, Mr. Speaker. Mr. Speaker, first, it is good to see the Representative from Vassalboro back in the chamber and belated happy birthday on the day after his birthday. The Representative from Vassalboro stated something that we did hear a lot in the Labor and Housing Committee from the farmers who came in to talk to us and that is how well they treat the farm workers, the people who actually do the work for them. And as a labor activist, I always love hearing that. As a former labor organizer, I know that one of the things I always used to say was the best organizer is a bad boss. So, when I think about farmers in Maine, the way they treat their employees, what I've heard from them of how they treat their employees, I'm not sure that we would organize a union in the State of Maine. We may not. It may never happen. But these workers deserve the right to organize that union. If the workers decide that they are being treated in such a way that they do not want a union, they won't have a union. And if the farmers are treating their employees, well, their workers, the way that they say they are treating them, they will not have unions. It won't happen because the employees will be treated that well. So, it's a fear that doesn't have a place. They're treating their workers well, there won't be a union, there will be no change at their farm. If somebody is not treating their workers well, we all know there have been instances in the past where farmers did not treat their workers well in the State of Maine, had they been able to form a union at that point in time, the workers may have been able to handle much of the issue on their own. So, while I agree, well, I hope, I guess I should say, that farmers are indeed treating their workers as well as they have told us they are, I still want those workers to have the right to come together in collective action to try to improve their own lives. It's an important right, it's one that I enjoy, it's one that everybody who works in the private sector enjoys and if you work in the public sector in Maine under the Maine Labor Relations Act, you have that right as well. And I

want these folks to have it as well. Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Hall.

Representative **HALL**: Thank you, Mr. Speaker. I can attest to some of the things that the Good Representative from Winterport has just said and I think that as a lifelong farmer, eighth generation on my farm, to be in fact, my great-grandfather and my great-great-grandfather sat in this very chamber a hundred years ago and about 50 years ago. They were both farmers. Our farm has been in our family for over 200 years. We've never had to unionize. We have always treated our workers with the utmost respect. And one thing I will tell you about farm workers are they are treated like family. In every situation, on every farm, they're treated like family. This is something, Mr. Speaker, that over my lifetime as a dairy farmer, when I was in high school there was over 1200 dairy farms in the State of Maine. At the last time that the census was taken, there are less than 200 dairy farmers left. Unionizing farm workers, this is what it means. That if I hire somebody to work on my farm, to drive my tractor and work in the fields, that means they don't have to milk my cows. But if I hire someone to milk my cows, I don't have to have them go outside and work. Now, the way it works on a farm is we all work as a team. We don't work and pick and choose what jobs we take; we all work together as a team and get our work done. And I don't speak very often on this floor, but I'll probably speak to the next bill as well because I'm very passionate about these two things.

I'd like to make a couple of points about farming and about how things are paid. Now, a farm worker, if they don't like the way they're paid, oftentimes they will just not show up to work. I had an instance a couple of years ago, I had a gentleman, young kid came to work and I really didn't need another worker but the kid needed some help. His girlfriend had just had a baby, they were getting started on their own. I said well, I'll give you a break, I'll help you out, we'll put you to work. He worked for me for about three days and apparently decided he didn't like what he was doing and I never saw him again. I didn't have a problem with that. But what I have a problem with is having somebody tell me that these people are not treated okay, they are not allowed to get together and tell me what their problems are because, trust me, we have, quote, a board of directors meeting in our barn just about on a daily basis, when all the workers, we all come together, discuss what has happened during the day, what could've been done differently and make plans for the next day. But here's where the problem is with farmers. Farmers don't set their prices. Farmers get paid by the federal order. Milk prices are set by the USDA. I can ship my tank of milk on today and I will not get paid for that for six weeks and I have no idea what I'm gonna get paid for it until the milk check comes six weeks from today for that tank of milk. Here's where the problem lies. On the last shipment of milk, a gallon of milk I was paid at my farm \$1.23. Now, I'm sure if you go into the supermarket, anybody here goes into the supermarket, they're not gonna buy a gallon of milk for \$1.23. It's probably about five times that much, I'm assuming, but I don't buy milk because I produce my own.

Let's go to the beef side of it. I raise beef cows, too. The cattle dealer was at my house a week ago to pick up a couple of older cows that we don't need anymore. The cows go to market, a 1200-pound cow and he said beef prices are pretty good this week; 60 cents a pound; \$680 for that cow. But let's figure it out real quick. A 1200-pound cow is going to yield you 600 pounds of meat. Put that all into hamburger; 600 pounds of hamburger,

go to the store, six, seven, eight dollars a pound? The middleman is the one that's making the money. So, what my point here is that the farmers are doing the best that they can and to unionize farmers is going to do nothing but drive another nail in the coffin and put the farmers out of business. Please follow my light and oppose this motion.

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

Representative **HUTCHINS**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It seems that the people that work on the farms aren't asking for this because I think they are probably treated quite well. But it appears that teachers, State workers, people that work in papermills, must be treated terrible because they all asked for a union. And is it the chicken or the egg? Which came first, the treatment or the union? If we do go to unionizing farms, the only farms that could possibly exist would be the large ones that can use robotic milking, for instance and that just does away with the employees altogether. So, I think we need to think these things through just a little bit before you jump into adding one more layer of problem to the farming industry as has been done to many other industries. Thank you.

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

Representative **DRINKWATER**: Thank you, Mr. Speaker. I rise in opposition to this bill. Mr. Speaker, over your left shoulder is a State of Maine flag. On that flag is a farmer. We need to thank the farmers. We owe them a gratitude of debt. I like the fact that I can go to the supermarket and buy a pound of hamburger and a gallon of milk. Mr. Speaker, I'm witnessing the remaking of Maine and this is one more step towards the remaking of our beautiful State. This bill as proposed will allow farm workers to unionize. Now, I don't have a problem with the union. It has its place. I just don't think it belongs in a farm. And I came to this conclusion from listening to every farmer that came to our committee and testified. Let me give you a few of their names, Mr. Speaker; Lisa Turner from Maine Vegetables Association, against the bill; Perry Ricker, a farmer; Ralph Caldwell from Turner, a beef farmer, he doesn't see this as viable; Don Flannery from the Maine Potato Growers up into our famous The County, Aroostook County, against the bill, Mr. Speaker. When asked why, why are you opposed to this bill. Well, let's use strawberries for an example because, thank goodness, we have strawberries ready at this time. They are a time-sensitive crop. What would happen if all of a sudden the workers said hey, you know what, wildcat strike, is what we used to call it back in the day and they walk off. Those strawberries are going to rot in the fields. What's going to happen to that farmer? He's out of business.

Mr. Speaker, the bill under Agriculture and this is the amendment, also includes dairies. We heard from a dairy farmer. If you don't milk those cows, those cows are dying. Those cows have to be milked twice a day. They don't stop producing milk on Saturdays and Sundays, seven days a week. I thank the Good Representative from Wilton for providing milk to the rest of us. Tillage of the soil, cultivation, growing and harvesting of any agriculture or horticultural commodities including the raising of livestock, bees, furbearing animals, poultry and any practices including forestry, performed by a farmer. Mr. Speaker, I'm sad to report to you that we heard in our committee that perhaps allowing these workers to unionize could remove the stain of racism. I wish that was true, Mr. Speaker. But what we're talking about is farms that have to have workers. We heard compelling testimony from Pine Tree Legal

and they were talking about migrant workers, Mr. Speaker, and how they have been mistreated. The sponsor of the bill brought up that DeCoster Egg Farm problem, I think that was in '97 and that was a sad situation, Mr. Speaker, as it was flashed all over the media. Those people should not have been in the business. But good news, Mr. Speaker, Pine Tree Legal reports that they have settled with farmers. I think Country Farms was one of them that paid a big fine. The system works as it's intended to work. If there's a problem, there is redress available. You have the Department of Labor, you have the wonderful organizations like Pine Tree Legal that is helping the migrant workers.

We heard from farmers, Mr. Speaker, that they get the same migrant workers every year. And, like the Good Representative from Wilton said, you get to know these people, they come back to you year after year, you treat them like family. We heard some negative stories about the quality of housing. We heard a negative story about overcrowded busses. But we also heard and this is from Pine Tree Legal, that those situations were remedied because there is a system for complaints to be filed and things to be done. We heard from farmers in southern Maine that said we get the same migrant workers every year because we've established a relationship. So, Mr. Speaker, once again, in closing, these are time-sensitive crops that cannot withstand the possibility of a walkout and these farmers, not one farmer, came and said hey, it's a great idea. Every farmer we heard from said bad idea. Thank you, Mr. Speaker.

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

Representative **ROEDER**: Thank you, Mr. Speaker. May I pose two questions to the Chair or just one?

The SPEAKER: The Member may proceed.

Representative **ROEDER**: Thank you so much. First of all, I'd like to ask, because I was a little confused by some of the testimony that I've just heard, if this bill forces farm workers to unionize and then my second question is what is the system of complaint that was mentioned by the Good Representative from Milford. Thank you.

The SPEAKER: The Representative from Bangor, Representative Roeder has posed a question to any Member who may care to respond. The Chair recognizes the Representative from Gardiner, Representative Harnett.

Representative **HARNETT**: Thank you, Mr. Speaker. The bill does not require unionization, just like the National Labor Relations Act which protects every other employee around the United States of America doesn't require unionization. It allows for concerted activity. Activity where two or more employees get together to address a common problem. Under current law, those employees can be fired for that because they don't have protections. It simply affords the right to engage in concerted activity. Could that lead to a unionization effort? Perhaps, but perhaps not and it certainly does not require anything. Thank you.

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

Representative **MORRIS**: Thank you, Mr. Speaker. I also rise in strong opposition to the pending motion. I grew up in Turner, my family's been there for over 200 years, it's a town with all of my towns are towns of proud farming traditions. My grandmother grew up on a farm on Lower Street in Turner and today there are very few farms, there are no farms left there, as the family farms continue to disappear. This bill will not aid that. This bill will make it harder. We did not hear compelling testimony, any testimony from farm workers that they were being mistreated. Perhaps it's because the issue is most of the

farmers, as the Good Representative from Wilton stated, most of the farmers work right alongside their workers. They work as a team, they treat these people like family, there is no need for unionization. And I would just say, we hear much about the National Labor Relations Act, one of the reasons, perhaps, that they were excluded is right here; realizing that agriculture was important to the entire nation, Congress wanted to shield this industry from unionization and wanted to protect the family farmer from having to pay what they could not afford. Congress did not think it necessary to equate the family farmer with big business. Most of the farms in Maine only have a very short growing season. It would be nearly impossible if they had to deal with potential strikes and labor issues during that short growing season. This is not a good bill. I urge this Body to reject this motion. Thank you.

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

Representative **KINNEY**: Thank you, Mr. Speaker. This bill is a direct assault on my family and on the four families I employ. It's a direct assault on my neighbors who run a dairy farm in the town of Knox and they support five families on their dairy farm. It's an assault on the farmers markets that I produce and provide maple syrup to who hire migrant workers that come back year after year after year. They go to Florida during our winter months and help farmers down there. They may never come back because they're not going to be welcome back here anymore. Currently, the University of Maine Cooperative Extension office offers free mediation, ag mediation program to agricultural workers if they have any issues with their employers, including wage disputes. It's free. No need to pay union dues. My employees receive very generous options for leave, taking time off in order to go to doctor's appointments and other issues they may have for their families. They'll take the whole day off, they'll sometimes take the whole week off and not bother to tell me. But now they're going to be able to unionize and come after me because I didn't let them have more time off in the middle of maple syrup season, in the middle of the haying season. We're farmers. We need to make hay when the sun shines, not when our employees feel like coming to work.

I can't even begin to tell you how upset and how much of an assault on my personal family. We've owned our farm for over 40 years in the little town of Knox. We're very proud of our agricultural community. We work with each other. During the ice storm of '98, we were without power for several days. We ourselves no longer had dairy cows but we were housing heifers, we needed power in order to get water to our heifers. Our generator worked. The farm that I mentioned that has five different families that are supported on that farm, their generator blew up. They needed to milk their cows. You heard earlier that if we don't milk the cows, they can die. They can get serious infections if they're not properly milked. It'd be one thing if we only had five or six cows, probably could get enough people to get together and milk them by hand. But, no, these are farms with 300 cows. You need the machines. We sent our generator to this farm. It's not really a mobile generator, but it went around to three different farms during that timeframe, when we were without power for up to two weeks. We got our power back, actually, a little earlier because we're on the same grid of the school and they used that as a shelter for people that didn't have power, so our generator went. Our generator then blew up. That farm that was using it, they replaced it at their cost. We look out for each other. That's what we do. This will destroy farms, family farms, neighbors who have become family to one another. Again, the cooperative extension has a program for

mediation if there are issues on farms with working conditions, with wage disputes. We don't need this. Please follow my light. This is a terrible bill for our farms.

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

Representative **SAMPSON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I stand in opposition to this motion. This bill proposes to create a uniform basis for organizing the labor force of farm workers. Let's just stop right there to pause and think about this; uniform means always the same form, manner and degree, not varying or variable, or the same as others in form and deed. Honestly, we don't have to go any further with discussing this bill if the authors and proponents had the slightest insight to farm work. Uniform farming is an oxymoron. The very ethos of farm life is anything but uniform. It is the polar opposite. This ill-advised or ill-devised policy proposal is totally devoid of reality. This is a good example of what not to do. This bill is a solution in search of a problem. Theory here does not reflect reality. This is much like the example of a childless adult advising parents of teenagers how to raise their children. Although countless scholarly books can be read on the subject, they are still just theory and devoid of the minutiae intricacies of reality. Likewise, this bill reflects the similar disconnect theory akin to an armchair quarterback. So, speaking of quarterbacking, farm life, farmers and workers work shoulder to shoulder. It's about teamwork. They become like family; we've heard this. We have the same migrant workers that have been coming to our farm for several decades. Their welfare is of our utmost concern. This is not like a factory or a school or a corporation. We don't need this bill. Farmers, like very few other professions, live in a continual and perpetual world of reality. This is where the tractor treads hit the dirt. Farming is not like other industries. They can't simply press the pause button on anything they do. It would be absolutely disastrous, Mr. Speaker. Their work and their farms are not factories or corporate offices and this policy is destructive to their work existence, their whole existence. Timing is critical in all that they do, unlike a factory. Unlike a factory whistle blowing to alert workers, farmers respond to the seasons and the flow of nature for which they have no control. A farmer who sits back and does nothing is out of business quickly. If they aren't busy about their work during the timely manners that we've already heard about, they will lose an entire crop for a whole year. If they lack the needed attention at the right time, it can cause the actual trees or plants to perish completely. With livestock, there's even more variability. Slothfulness will result in serious harm to the animals or even cause injury or death.

Farmers focus on the living and focus on nurturing life. They are fulfilled when their plants and animals thrive. We the public reap the benefit of their nonstop labor. Farmers are the most sensitive to the cycles of life and getting the work done when it must be done and there are no excuses to be had. Farming has been the source of our food supply throughout the generations. So, why are we, the State Legislature, inserting ourselves? Stop micromanaging and imposing crushing policies on farms. Just remember the bumper sticker; no farms, no food. Please oppose this motion.

The SPEAKER: The Chair recognizes the Representative from Weld, Representative Skolfield.

Representative **SKOLFIELD**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I want to rise and say how much I support what my good friend, neighbor, the Representative from Wilton, Representative Hall said moments ago. I'm reminded of a story of an old farmer up in Franklin

County who hired a young fella who really wasn't very adept but because he lived in the local community he was sort of like family, everybody knew him. His name was Georgie. Well, after several weeks, Georgie decided he didn't like shoveling manure and other things that required work on the farm so one day he didn't show up. Well, one of the other workers there at the farm came to the old farmer and said Joe, he says, what are we going to do, are you going to fill that vacancy that Georgie left? And old Joe, the farmer, said well, Georgie didn't leave no vacancy. And what he meant was that he put him to work because he needed some work and he tried to help him out because he was part of that community. And that's what farming is here in Maine. I don't know how it is out in the Midwest, in Iowa and Kansas and places like that, California, New Mexico, I don't know what it's like out there, but we're talking about Maine, the State of Maine. And these people live it. It's like they live above the store. They live there, it's their home, it's in their blood, their roots are there, under their fingernails is the same dirt that's out there in their fields. It is them; they are part of it, it's in their DNA. And we need to remember that. Here in Maine. Like I said, I don't know what's going on in other parts of our United States, our great country, but here in Maine, that's the way it is. And to paraphrase an insurance company of the same name, I've got to say they know a thing or two because they've seen a thing or two. Thank you, Mr. Speaker.

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

Representative **BROOKS**: Thank you, Speaker, Women and Men of the House. Growing up in Auburn-Lewiston, we were neighbors to Turner and I agree. I agree that farm workers are essential workers and I think it's past time that we treat them, you know, I'm not saying every single farm or family farms do not treat farm workers appropriately, but I know we've had some conditions where people put themselves, their families at risk and it's a very different power structure. So, I support the motion.

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

Representative **TUELL**: Thank you, Mr. Speaker. I also rise in opposition to the pending motion. I do so because for those who might not have been Downeast in a while, Downeast is blueberry central. And from the month of August, that is the blueberry season. We are also known Downeast for wreathing come November and early December. And those businesses, just like the fishing industry in many respects, are the backbone of our economy. I know there's a lot more farms and family farms Downeast as well, but I think that's one thing that hasn't really been highlighted is just how important those industries are and just what the impact a bill like this could have, a detrimental impact it could have on our Downeast economy. I know I've heard from several folks in the last few days concerned about this bill. Folks like Courtney Hammond, folks across the whole industry, folks that our delegation has been working with to try to get some help for some issues with the blueberry industry and in doing that, you know, where here we are doing that and now we're finding one step forward, two steps back and this could be the final blow if this and other bills we're going to be taking up today, this package of bills were to move forward. So, I would encourage you to vote against the pending motion. Thank you, Mr. Speaker.

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

Representative **HARNETT**: Thank you, Mr. Speaker, Women and Gentlemen of the House. Let me begin by expressing my thanks to the previous speakers for their treatment of their farm workers. It's laudable and I respect that and I respect their efforts. But the fact is, historically, agricultural workers or farm workers have been specifically and deliberately excluded from basic labor laws that protect all other workers. Today, in June of 2021, farm workers are not considered employees under State law. They're essential employees, but they're not employees. There are many reasons that farm workers have been treated as less than in Maine and in almost every other state under both State and federal law. Farm workers, particularly migrant farm workers, who travel from State to State to harvest the crops that feed each and every one of us are generally people of color, sometimes from other countries and in many cases do not speak English as their native language. They are ripe for exploitation and they generally do not make waves. They do backbreaking manual labor for long hours, work that local people often would never consider doing, that's why we have migrant farm workers. They work far from their homes and their temporary homes while they're in Maine are often connected to their jobs because their employers need them to be here.

Challenging one's work conditions in that environment is fraught with personal and economic danger. If you lose your job, you lose your home. You find yourself in a terrible predicament; unemployed, homeless and alone in a place where you are not welcome. Given those realities, is it at all surprising that farm workers have been unable to individually change these century-old labor law practices and fight against the lack of legal protections to wages and benefits that most workers take for granted? Couple that with the fact that neither State nor federal laws protect farm workers who might just want to talk to one another about their working conditions, let alone form a union and collectively bargain. To even talk to their fellow workers about improving their working and living situations, they could be fired and that is lawful. In light of that, it's easy to see why the lives and working conditions of these workers has changed little since Edward R. Murrow's Harvest of Shame was produced and televised in 1960, over 60 years ago. Unlike almost every working person in Maine and throughout the United States, farm workers can still be fired for just talking about their working and living conditions and bringing those concerns to their employers. If they simply talk to their coworkers about seeking to change their wages or working conditions, they can lose their housing and their jobs thousands of miles from home. Those firings have been and remain legal even though I believe they are both immoral and unjust.

Non-farm worker employees who are not represented by a union have significant rights under the National Labor Relations Act. Specifically, under that law, the National Labor Relations Board protects the rights of employees to engage in concerted activity which is defined as when two or more employees take action for their mutual aid or protection regarding the terms and conditions of their employment. A single person may also engage in protected concerted activity if he or she is acting with the authority of other employees, bringing group complaints to the employer's attention, trying to induce group action or seeking to prepare for group action. If farm workers do any of those things, they could be fired and that firing is legal. A few examples of the legal protections that farm workers don't have that all other workers do; two or more employees talking to their employer about improving their pay, two or more employees discussing work-related issues beyond pay such as safety

concerns with each other and an employee speaking to an employer on behalf of other workers about improving their lives. Farm workers do not have this basic protection and, in my experience, this is one of the reasons, one of the main reasons, their lives remain so difficult and their earnings so low.

I first worked with and for farm workers over 40 years ago. In 1980, I'm kind of old, I graduated from law school and at my first interview, I went to a labor camp, a migrant labor camp in New York State less than 30 miles from where I had lived and grown up. Until that night, I had no idea that hundreds, indeed thousands of people lived and worked in conditions that I had never seen; no indoor plumbing, people crowded in dilapidated housing. I did not believe it existed where I grew up, but it did and it exists throughout this country. Farm workers are often hidden from view, their temporary camps often can't be seen from the road, they live in isolation, they live alone. After I moved to Maine, I worked with farm workers for nine years and then I moved to Maine and joined the office of the Attorney General in 1989 and I was able to continue my work with farm workers as part of my duties. And one night, I visited workers and I first had to drive by a sign that said no admittance, employees only, all others report to the office or face trespass charges. This was to visit a worker in their home. I went in that home with an attorney from Pine Tree Legal Assistance to talk to the workers about their rights, their legal rights regarding that sign, which was found to have been illegal and during that conversation with workers, one of the workers who was at the window started running towards us with fear in his eyes, shouting el jefe; el jefe, the boss. And he told us, myself and the Pine Tree lawyer, that we had to go in the closet because if that boss saw them, we would be arrested and they would lose their jobs. I stayed in that closet for under 10 minutes. It felt like much more. But at the end of the night, Mr. Speaker, I got to go home. Those workers did not. They remained there, continued to work to send money home to their families, knowing that if they even talked to a lawyer, they could be fired. And they would be right; they could be fired.

We sued that farm. It sounds like it was a third-world country. That happened 25 miles from here in the Good Representative from Turner's hometown at Jack DeCoster Egg Farms. And for a short while, farm workers were in the news and the conditions under which they worked and lived were a subject of great concern and laws were enacted and those laws were eventually repealed when another multinational company wanted to buy the DeCoster Egg Farm. Never let a good corporate sale get in the way of good law. If this bill is enacted, it will allow Maine to lead and begin to try to right the historical wrongs I have just shared with you. Farm workers were excluded from these protective laws because of the color of their skin and because of the agricultural system that was part of slavery and the plantation system. Farm workers who travel thousands of miles from their homes to feed us deserve nothing less than the legal protections afforded all other working people. The treatment of field workers as people less deserving of basic labor protections in the eyes of the law is a vestige of a very ugly past in our country. Our current laws perpetuate and abet institutional and systemic racism. We have a chance to do better as a Legislature, as a people and as a State. Passing this bill would be the first step in making that a reality. I ask you to support the pending motion. Thank you.

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



Representative **STETKIS**: Thank you, Mr. Speaker. I apologize for having to take a moment. The comments that I've heard are deeply offensive to the people that I know, that I love, that I've lived with my entire life. The comments that I've heard from the proponents of this bill are as foreign to what I have personally witnessed as I can imagine. I really feel like a line has been crossed. It's one thing to push your political ideologies or, you know, your personal political feelings, but to outright intentionally insult and disparage people that work hard every day, family after family after family, generation after generation, providing for our --

Representative **BERRY**: Point of Order.

The SPEAKER: The Member will defer. The Chair recognizes the Representative from Bowdoinham, Representative Berry and inquires to his Point of Order.

Representative **BERRY**: Mr. Speaker, I believe I just heard an intention attributed to at least one Member of this Body, I'm not sure how many and I object to that attribution. Thank you.

On **POINT OF ORDER**, Representative BERRY of Bowdoinham objected to the comments of Representative STETKIS of Canaan because he was questioning the motives of other members of the House.

The SPEAKER: The Chair would remind Members to not question the motives of other Members of the House.

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

The SPEAKER: The Member may proceed.

Representative **STETKIS**: Thank you, Mr. Speaker. I'm not questioning motives, just specifying direct comments that were just made. I don't have to assume anything. Unbelievable offensive statements assuming that these hardworking families make certain choices based on some of the most terrible things that you can say about a person, in my opinion, is just crossing the line. Mr. Speaker, I'd like to ask a question through the Chair.

The SPEAKER: The Member may proceed.

Representative **STETKIS**: Scanning through the testimonies of this public hearing, 103 testimonies, I'd like to know if one single farm worker, I saw plenty of businesses, plenty of farm businesses, owners, those sorts of things, organizations, that testified in opposition of this. Did one single farm worker come in and say this is something that they're looking for?

The SPEAKER: The Representative from Canaan, Representative Stetkis has posed a question to any Member who may care to respond. The Chair recognizes the Representative from Bangor, Representative Roeder.

Representative **ROEDER**: I don't believe any did, because they could have been fired for doing so.

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

Representative **HUTCHINS**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Part of this is an answer to a question that was asked a few moments ago. But I first want to mention that farmers, fishermen and foresters are kind of the backbone of this rural State of ours and they need to be lifted up, not put down. And as to the answer, we had a comment that no one has to join a union. How many teachers are independent teachers? How many State employees are independent employees? How many papermakers are independent employees? When I went to college, in the summertime I worked at St. Regis Paper Company in Bucksport

and I had the chance to join the union after about being there a month or some such a thing and I didn't join because I was only going to be there two or three months. And it was funny, when I decided not to join the union, I no longer could work Saturday overtimes. Maybe that's how people are forced into joining unions, one of the ways.

Community organizers, we all heard that, that's kind of how these things get rolling and good people that run farms for the decades, I planted a field the other day. Charles Hutchins, a fella that I've spoken to you before, was a Member of this Body when it was in Massachusetts, when we were part of Massachusetts in 1784. So, some of us have been doing this kind of stuff a long time. And if we don't choose to join a union, like I didn't at Bucksport at the paper mill, we shouldn't be punished for it. Evidently, I was, because I couldn't work Saturdays anymore. Instead, I volunteered at the local church in my town on Saturdays because they were building a dining room on the church, so, I volunteered and worked on that, along with a lot of other people. But my point in saying this is that we seem to make an awful lot out of how important it is for people to join unions or else they're not going to be treated well; well, I just pointed out that I didn't join a union and I no longer could work overtime. It was only for a few weeks, but I assume that happens to many people. So, there are forces at work here that aren't all pure and precious. Thank you.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker and Men and Women of the House, I rise briefly in support of the pending motion and I hope to add a little bit of levity with a story. I come from Bowdoinham, as you know and Bowdoinham is proud to have some of the best soil this side of the Mississippi thanks to the Merrymeeting Bay flood plain. It is very much a farming community; my grandparents farmed and ran a poultry processing plant and every young person in my area or every person who grew up in my area has stories about picking peas and pulling carrots in the area and I grew up doing much the same. Both of my parents are farmers, my brother is a farmer and a member of a statewide farming organization. My story, Mr. Speaker, is about a fellow named Ransom Kelly. Ransom Kelly was a Member of this Body for many years. He was a State Representative and he was famous not only for his political work but he was famous as well for his very extensive holdings in peas and carrots and for how he paid his workers. Mr. Speaker, you see, Ransom Kelly only paid his workers in silver dollars. And when he was asked why he did that, Mr. Speaker, he would sometimes confide that the reason was that those silver dollars circulated in a community and every time that a silver dollar changed hands in the entire area, people understood that it was Ransom Kelly who was doing something good for that community. He was reinvesting in his community and, through his workers, making a stronger community. Mr. Speaker, I suppose there are a few morals to this story, the story of Ransom Kelly, but a couple that I take away are that there are many ways to get elected and doing good business is one of them and that if you treat your workers well, Mr. Speaker, they will appreciate you and perhaps not see the need to complain or to organize. I don't see the farm workers in my area clamoring to join a union, I don't see the lobstermen clamoring to join a union, although some have chosen to do so recently. It's a choice. But, Mr. Speaker, I will not vote to deny any worker the choice to do so and to be treated well by their employer. Thank you.

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

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, may I pose a question to anyone that can answer through the Chair?

The SPEAKER: The Member may proceed.

Representative **BICKFORD**: Who specifically is responsible for forcing these migrants to come in to our State and work in our fields and farms? Who specifically is doing that? And we should hold them accountable for forcing migrants to come in and work in conditions that they are not happy with. If they have no choice, that's a problem, but if they have a choice, that's their choice, Mr. Speaker. I'd like that question answered, please.

The SPEAKER: The Representative from Auburn, Representative Bickford has posed a question to any Member who may care to respond. The Chair recognizes the Representative from Livermore Falls, Representative Lyman.

Representative **LYMAN**: Thank you, Mr. Speaker and Members of the House. I am, again, very frustrated by the inaccurate information that misrepresents the farming in our State. The people of this House need to accept the potential consequences of this bill. We need to understand how very detrimental passing this will be on the absolutely vital intentions of the farmers providing food, crops and necessary products to the people of this State as well as our country. I would invite any one of you in this House to come by and visit my family's farm. You will meet a group of people with a work ethic and heart that we can only wish for all our other professions. I feel quite confident that we would not be facing the social, economical and workforce problems we are facing today if we embrace the values and beliefs of our farmers. They are the most hardworking, generous and fair-minded people I have ever encountered on my life's journey. Thank you.

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

Representative **KINNEY**: Thank you, Mr. Speaker. I want to thank my seatmate from Livermore Falls. She said a lot of things that I agree with wholeheartedly. I've been a farmer for over 25 years, my family for over 45 years, farms in my area for multiple generations, with some Members of this chamber having farms that go back at least eight generations. I've been a Maine Farm Bureau member for over 25 years. Farms pay more than minimum wage in most cases because why would someone want to work so hard on a farm when they could go to McDonalds and flip burgers for \$15 an hour or go to Dunkin Donuts where they have no recourse when they screw up my coffee order, Mr. Speaker.

Again, the cooperative extension has the ag mediation program for free and they help farm workers and farmers come together when there are disputes. They help farmers keep their farms running in order to feed you, me and millions of people in the United States. I get it, Jack DeCoster was horrible, he was a horrible employer. He no longer runs a farm in the State of Maine. Why are we accusing people like myself as being someone who does things that Jack DeCoster did years ago? Don't blame me for his sins and failures. Unless you've signed the front of a paycheck with the concern about whether or not you're going to make your payment on your mower, your baler, maybe that extra piece of land you needed to be able to feed your animals with, you have no idea what it takes to run a farm. My family doesn't get the first draw and that includes getting that draw to pay off that equipment purchase that helps make it so that our employees don't have to be throwing bales of hay in 95-

degree heat. I'm sickened by hearing that farm workers didn't testify in support of this bill because they would be fired. Mr. Speaker, that's the biggest lie I've heard on this debate today.

The SPEAKER: The Member will defer. The Chair would remind the Member of the decorum of the House and providing commentary on what other Members have said in the course of the debate and characterizing it in a way that is inflammatory, I would ask the Member to avoid. The Member may proceed.

Representative **KINNEY**: Thank you, Mr. Speaker. I hope you'll be stopping people when they do that to me next time. Enough is enough. Unions had a place at one time. I have served on the ACF committee for six years and heard over and over again about how we're losing dairy farms at an alarming rate. At the beginning of the 129th Legislature, when we had our Dairy 101 introduction, we got news that for the first time in Maine's history, milk production had begun to go down because of the loss of dairy farms. The brother of one of our current Members once testified that if we drop below 1,000 dairy farms, we're going to be in trouble. But it wasn't until we were down to 221 dairy farms that we started to see a decline. Because what happened was the dairy farms ended up being collected into like a cooperative type of a farm, the farms bought each other out and the production didn't go down because we didn't lose cows. We've started to lose cows. But I'm proud to live in one of the three towns that still have more cows than people. They're easier to get along with.

If this were to pass, you're going to see more farms downsize. This is when farm employees will be fired because if they're allowed to unionize and go after their employers, why would a farm stay in business? Why would the farm still want to have employees? We already have programs available for farmers to be able to have mediation. We don't need this. This will destroy our agricultural heritage in this State, the generations of farms that are represented in this chamber will be done. Please follow my light.

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

Representative **SAMPSON**: Thank you, Mr. Speaker. I'd like to just remind the Body that farming and farm work is very, very hard work. There are many young people who think they want to work, if they even are willing to come and try to work, many will quit within a day or two. So, finding good help is an incredible challenge. So, why and what farmer in their right mind is going to mistreat their workers? Whether they're migrant workers or otherwise, it would be really counter effective to do that, especially in the climate we're in. And, I'll tell you, the insulting depiction of a Steinbeck style culture in this State was incredibly derogatory, it was disingenuous and it was absolutely disgraceful and I think we deserve an apology.

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

Representative **DOLLOFF**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would like to answer Representative Bickford's question. No one forces them here to work. That's the answer to that question. But I'd also like to add these aren't the 40s anymore, this isn't black-and-white TV like it used to be and we'd see on TV how these workers were treated. At this day and age, these workers are treated basically like part of the family. And if for any instance there's problems, there's avenues they can use. Because nowadays, everybody speaks up, squeals, whatever, on anybody. These farmers are not going to mistreat these workers. They're seasonal, they need them, they want them and these workers want to come to work. My husband works for a nonunion company and if you

think they would mistreat any of them, they'd go out of business. So, I ask that you please remember it's this day and age, it's not back in the DeCoster age. We now respect everybody and we welcome good workers and sometimes the only good workers that you can find are the immigrants. Thank you, Mr. Speaker.

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

Representative **SYLVESTER**: Thank you, Mr. Speaker. I apologize for rising again, but I am compelled for many reasons. My good colleagues from across the aisle have painted a picture of historical abuses, whether those historical abuses were of the Steinbeck era or whether those historical abuses were of the DeCoster era. And yet what we know is that there are instances such as the Worcester Wreath Company in Harrington, Maine. In the Worcester Wreath Company, women were housed with men and the contractor stopped by every night trying to pressure the women into doing things that they did not want to do. Things that I find despicable. And I could not allow this discussion to continue without talking about the women farmers and the abuses that happen to them. We can say that these abuses are historical, we can say that they don't happen in Maine, but this was Harrington, Maine and, Mr. Speaker, this was 2018. When those workers protested, the men and the women of this farm, they were fired. That was 2018. Thank you, Mr. Speaker.

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

Representative **DRINKWATER**: Thank you, Mr. Speaker. I apologize for rising a second time, but as you can tell, Mr. Speaker, this is a very passionate subject to everybody in the Body, Mr. Speaker. Sadly, Mr. Speaker, I mentioned earlier about the stain of racism. Mr. Speaker, we can't erase the stain. We can't do it. I grew up in a family that we don't know racism. Maine was a safe haven during the slave trade. There's many people in here that; I'm the grandfather of six biracial children. My daughters don't know racism. And then we're injecting into this the stain of racism. Mr. Speaker, once again, we can't erase the stain. And what I've heard is the Worcester Wreath Company violating employees; despicable. Despicable. But the good news, Mr. Speaker, is there was a way to address the issue. What I learned during my time during this hearing is a lot of our migrant workers come from subcontractors. I never realized that. These subcontractors hire the migrant workers, help them get their H-2A visa so they can come and work at farms and they subcontract them out to all the different farms. Where's the responsibility of these bad actors that are in the modern slave trade business of migrant workers? Where's their responsibility in all this? Also, Mr. Speaker, in my business, family automobile business, we have to put posters up notifying employees of their rights. There's phone numbers for them to call. Apparently, that has worked.

In closing, Mr. Speaker, I'd just like to read some testimony from Pine Tree Legal, who did a wonderful job presenting the other side of the problem, that we have a few bad actors in the business. Let's not change the whole business models. Two hundred years of how we've done farming in the State of Maine and let's change it for a few bad actors. It doesn't make sense, Mr. Speaker, but I would just like to take just a minute, Mr. Speaker and quote from his testimony; more commonly, we receive complaints from migrant farm workers regarding poor living and working conditions and other mistreatment of workers by their employers. In 2017, we concluded a series of lawsuits across a major blueberry processor on behalf of 30 Haitian workers who had been subjected to several serious violations of their rights over a period of five years. In the bottom of this, he

also mentions about some blueberry workers were being shortchanged on their wages. That's wrong, Mr. Speaker. There's a few bad actors. He says here, Mr. Speaker, the litigation on these abuses ultimately settled. So, Mr. Speaker, there is an avenue to fix bad actors. It's working. They have the Department of Labor. They have Pine Tree Legal that my good friend from Gardiner worked for. Pine Tree Legal receives a lot of money and they do a tremendous service for migrant workers in the State of Maine. And, in fact, if my memory serves me correct, during the DeCoster egg farm fiasco, Pine Tree Legal was actively involved. Thank God for Pine Tree Legal. So, Mr. Speaker, again, 200 years of farming history, a few bad actors, let's change the whole program. 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. 326**

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

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

ABSENT - Cebra, Fay, Grignon, Hanley, Javner, Martin, Perry, Prescott, Roche, Sharpe, Supica, Theriault.

Yes, 76; No, 63; Absent, 12; Excused, 0.

76 having voted in the affirmative and 63 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-679) 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-679)** 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 **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-659)** on Bill "An Act To Make Agricultural Workers and Other Workers Employees under the Wage and Hour Laws"

(H.P. 760) (L.D. 1022)

Signed:

Senators:

HICKMAN of Kennebec  
MIRAMANT of Knox

Representatives:

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

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

BRADSTREET of Vassalboro  
DRINKWATER of Milford  
MORRIS of Turner

#### **READ.**

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

Representative BRADSTREET of Vassalboro **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 Vassalboro, Representative Bradstreet.

Representative **BRADSTREET**: Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Once again, I rise in opposition to the pending motion. I believe that some of these bills that we get are formulated based on a disordered premise. The premise here is that farm workers are not being paid fairly. And I think you'll hear from some people coming after me that indeed, they are being treated fairly. We've heard a lot of testimony from farmers on this bill and they said that if this bill is enacted, you may not see anything at the grocery store that you'll notice is different. You'll see your apples and strawberries and other produce; the only difference is they won't come from Maine because we won't be able to produce them. We've heard it said in our committee that, you know, we can pass any bill we want to. And that was not said in a threatening manner or in a boastful manner, it was a declarative statement and that should cause all of us to pause. We can pass any bill we want to, but should we? This is a bill that should not be enacted. I thank you, Mr. Speaker, I hope the people will follow, actually, don't follow my light, think for yourself and vote against this pending motion. Thank you.

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

Representative **MORRIS**: Thank you, Mr. Speaker. I rise again in strong opposition to this pending motion. As I said earlier, my town has a proud farming history. Many of the farmers I know, they serve our community in more ways than just as their farms. They serve on our school boards, they serve as our selectmen, they help out at community benefits. When someone in our town falls on hard times, they are some of the first to step up and help. This is about opposing this motion is about protecting farms in the State and it's about protecting smalltown Maine. If we enact this bill, you will see the end of farming in this State. As the Good Representative from Wilton spoke earlier on the previous bill, farmers are price-takers, not price-makers. They will not be able to sell their produce in this State. What will happen is many of these farm workers will not come to Maine if they are limited because they will not be able to afford to pay the overtime, the farms will not. Instead, they'll have to limit their workers to 40 hours a week, the workers will want more money and they will go to New Hampshire and they will go to Vermont, where this law is not in place. What will happen is you will see many of these farms, as I've already seen in my hometown, some of the farms that was farmland years ago has now turned into house lots and subdivisions. You will see that trend continue if we enact this bill. I urge this Body to think about small town Maine, think about the Maine that we love and vote against this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Blue Hill, Representative Pebworth.

Representative **PEBORTH**: Thank you, Mr. Speaker. I rise in support of LD 1022 and encourage you to vote in favor. And justice for all. We say this every morning we meet here; and justice for all. How is it right, how is it just that farm workers who were considered essential workers during the pandemic, are not considered employees under Maine's labor laws? If they are essential workers, they are employees and should be treated as such under Maine law. If hiring employees creates a hardship for farmers, we need to address that problem. I heard in testimony that treating farm workers as employees will ruin family farms. That farm owners cannot afford to treat workers as if they were employees. If an essential business cannot afford employees, there is something wrong with the business model, as the Good Representative from Turner and Wilton and others discussed earlier. But why do we allow a broken system to rest solely on the backs of the workers? Why? Because they're people of color, they're people without economic means, they're people without power. It's time to take the burden off those who provide essential services for us. It's time to extend the fundamental protections other workers have long held to all of Maine's working people. I urge you to trust that now is the time to vote yes.

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

Representative **SYLVESTER**: Thank you, Mr. Speaker. As the Good Representative from Blue Hill says, farm workers have no status. They are not employees, they are not covered under any of the laws that cover employees and we heard the Good Representative from Milton talk about the DOL and the posters in a previous motion. The DOL has no jurisdiction over farm workers and their safety and their condition except for a very limited portion of workers who come in on a federal visa. What this bill does, in its first part, is to give farm workers the status of employee. It recognizes that they are not non people under the law, that they are people. And that, to me, is the very simplest right that any person that toils in this country can ask for. Now, much of the focus has been brought onto the fact that

in those rights that would be gained is the right to overtime. Overtime protections are there to protect workers from making sure that they do not work in unsafe conditions, just the same as other conditions as, you know, we wouldn't want them to stand in a puddle holding wires, we wouldn't want them to work on unsafe equipment, we wouldn't want them to not have the training that's necessary. Overtime protections are about protecting the one resource that a farm worker has as he sells his labor to the market; and that is their body. People talk about this work being unskilled; this is skilled work. Anyone who's watched farm workers in a field knows that this is skilled work. Work that most of us in this chamber could not do. And those workers, those skilled workers, deserve the right to be called employees and to be protected under the law as such. Thank you, Mr. Speaker.

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

Representative **ROEDER**: Thank you, Mr. Speaker. Mr. Speaker, I rise in support of the pending motion and I'd like to start with something that I shared with my committee during a work session on this bill. I tend to look to many resources when I'm formulating my thoughts on issues and on this matter I found some guidance in my faith. I was born and raised in the Lutheran church and found the following in Lutheran theological writings. Martin Luther believed that even human beings who have faith do not always live in accordance with their faith and that most people do not automatically treat one another with love and respect called for by the gospel. Luther says to check such open wantonness, there is need of the princes and governments who themselves would have eyes and the courage to establish and maintain order in all matter of trade and commerce, lest the poor be burdened and oppressed nor they themselves be loaded with other men's sins. In addition to being Lutheran, I'm the daughter of a farmer. And he treated his workers like family, too, probably because they were. He later traded farm work for the equally lucrative work of the railroad.

And my faith isn't all that guides me in my support for this bill, Mr. Speaker, it's what my father taught me. You do the right thing no matter how hard it is and no matter who hates you for it. You speak up for those whose voices have been drowned out. And that is why we must reject the practice of exempting farm workers from the Fair Labor Standards Act, practices that have their origins and have been continually fueled by racism and oppression. To quote *The Echoes of Slavery* by Juan Perea; the original southern desire to preserve an exploited, economically-deprived nonwhite agricultural labor force pinned to the bottom of the social and economic hierarchy continues to manifest itself full-force. Although estimates of the size of the farm worker population vary, there are approximately two to three million agricultural workers. A huge majority, approximately 83%, are Latino. They live in terrible poverty. The median annual income for migrant farm workers is about \$7500. Thirty percent of all farm workers live below the national poverty level despite being employed. Statutory exclusions originally intended to keep blacks impoverished and subservient now keep Latino farm and domestic workers subservient. And before we go down the rabbit hole of the demographics of agricultural workers in Maine, this exploitation happens to white farm workers, too.

In Maine, farm workers are not considered employees under wage and hour laws while the rest of Maine has enjoyed increases to minimum wage. To make it worse, without that employee status, as we have heard, Maine farm workers don't have the same labor protections to hold their employees

accountable for sexual assault, harassment and trafficking without risk of losing their jobs. We saw this in the Wreath case. But one of the things that I heard and have heard often is it doesn't happen that often in Maine. So, that begs the question; how many is too many? How many people can face sexual violence before it's too many? How many people have to face human trafficking before it's too many?

Representative **BICKFORD**: Point of Order.

The SPEAKER: The Member will defer. The Chair recognizes the Representative from Auburn, Representative Bickford and inquires to his Point of Order.

Representative **BICKFORD**: Mr. Speaker, the subject matter she's speaking about is not germane at all to wage and hour.

On **POINT OF ORDER**, Representative BICKFORD of Auburn asked the Chair if the remarks of Representative ROEDER of Bangor were germane to the pending question.

The SPEAKER: The Chair would remind the Body that the pending question before us is the Ought to Pass as Amended by Committee Amendment "A" Report related, the Body shall direct their remarks related to the subject matter of the bill before us.

The Chair reminded Representative ROEDER of Bangor to stay as close as possible to the pending question.

The SPEAKER: The Member may proceed.

Representative **ROEDER**: I was directing my comments toward the employee status of the workers. I apologize. We have the opportunity to truly and fairly value the work of people who sustain us and, as I said before, as my faith prescribes and the undue oppression and exploitation of others and I hope that you will join me in supporting this motion.

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

Representative **THORNE**: Thank you, Mr. Speaker. Someday, I hope to rise in support of a bill. Today is not that day. I rise in opposition of this bill only because I know that many of my colleagues on both sides of the aisle did as I did as a young kid in sixth grade, I don't know how old I was, 11 and I got bussed in the dark out to a potato field and I picked potatoes for 50 cents a barrel from dark until dark and some nights we picked under headlights. And there's many people here that live in Washington County that grew up raking blueberries, backbreaking work and you got pennies for a bushel of blueberries. My point is we've come a long ways from there and that workers have what workers need and they do what they do because that's all maybe they can do. The price that we pay at the store is the price that we pay for the workers that work. There's a compensation for your skill level. Lawyers, bankers, professionals make a certain amount of money because they have that skill and it's needed to that level. We do what we do in the farming business because that's the skill that we have, that's what we do. We move out of it, we move on, some don't; that's all they know, that's all they can do, they make a living. And like the Good Representative said earlier, there was no one that provided any testimony that said that they were unhappy with their conditions or that they expressed that extent to the Pine Tree services. So, I think what we're doing is we're imposing our own feelings upon workers and bringing our situation to them rather than have them bring their situation to us. Thank you.

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

Representative **Blier**: Thank you, Mr. Speaker. I will be brief. You know, when the Good Representative from Portland stated that farmers have no status; I never heard anything more insulting my whole entire life. Farmers are the backbone of the community. I grew up in Fort Kent. My house is in the middle of 100-acre potato field. Farmers, they're not employees, this is a way of life. Insulting them and saying that they don't have they have to have these equal rights? Give me a break. They get up in the early in the morning and they grow crops and they have cattle, because they love it. And they'll work till dark. Why? Because they love it. Not because they're employees. Don't insult the farmers, all right? They are the backbone of our community, they love what they do --

The SPEAKER: The Member will defer. The Chair would remind the Member to direct his comments through the Chair and to direct his comments towards the bill before us and not characterize the comments of those before you. The Member may proceed.

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

Representative **Sampson**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Just for the record; I am a farm worker and I am a people. But I want us to consider this bill before us, Mr. Speaker. Maine consumers will get hit at the market with the impact of this destructive policy. Farmers are already facing rising fuel costs, rising fertilizer cost, plus countless other factors such as the shortage of agricultural tires. Their profit margins are very, very small. Mr. Speaker, did you know that farmers pay retail for most of their materials, only to turn around and sell their finished product at wholesale prices? Think about this impact that this will impact the farm to school policies that we just passed here in this Body. No farmer wants to hear I'm from the government and I'm here to help you. Most Maine farmers are not the mega-corporation farmers. They are small generational family farms. So, I ask you; why are you wanting to crush them? Maine farmers can't afford more costly rules and regulations. Most Maine farms are already running on a high debt ratio. They cannot absorb any more costs. So, I ask; why are we trying to drive them out of business? Farm work doesn't relate to and is not compatible with the structure of a factory or an office. The cycles of nature and the seasons directly impact their actions and their farm work requires. The one predictable element is variable and unpredictable. There are peak times and down times. At peak times, it's all-hands-on-deck, as I mentioned earlier and the work does not stop until the job is done. But this is the very nature that perfectly suits piecemeal. We've heard about the migrant workers. They're seasonal. There's a window of time. You don't have them on staff all year long. This is how farms are productive. Their methodology has worked over the decades and the ages, benefitting both the farmers and the workers.

Please keep in mind farmers still have to pay minimum wage. The reality is that pickers, these are your seasonal workers, piecemeal, can make up to \$20-40 an hour for their piecemeal. So, why do we want to remove the method that is a win-win for both the farmer and the worker? We cannot be so hypocritical as to give lip service to protecting farms on one hand while pushing through this sort of horrible destructive policy that will crush them. Maine farmers, the reality here, they are growing older every year and they are disappearing. How does this policy encourage future farmers? The short answer; it doesn't. Just look at all the housing developments that are

popping up on what used to be vast tracts of farmland. So, it bears repeating; no farms, no food. I ask you to reject this motion. Thank you.

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

Representative **Perkins**: Good evening, Mr. Speaker and Ladies and Gentlemen of the House. I rise in opposition of this, being a proud farmer. I was born and raised on a dairy farm in Blue Hill, Maine. Moved to Belgrade. All my life, we worked on a farm. We were very, very poor because the market only said we were going to get X, Y, Z per hundredweight of milk. Back in 1980, when I left high school, we had four farms in Belgrade still running. Now we have none. I believe the last count in the State of Maine for farmers was approximately 212, I think, still milking dairy farms. If I had the money, I'd go back and farm. Someone told me geez, if you won the Megabucks, you'd buy a dairy farm? In a heartbeat. I love, as Mr. Blier said, Representative Blier, I apologize, sir, from Buxton, I would love to go back and farm. I like working seven days a week. I work seven days a week now and I'd love to go buy a dairy farm. My wife says I'm mentally challenged but that's another story for another time. So, with that being said, sir, we're losing farms at too big a rate. They're getting paid big money for their fields, the farmers are getting old. But I do know some farms in Clinton and each one of those have migrant workers. And those workers are treated very well. I see what they drive for vehicles, I see the homes that he has provided that they are provided because the largest dairy farms are right here in the State of Maine are from Clinton, Maine. And those guys are taken care of well. I beg of you, please, please, do not pass this bill. We need our dairy farms. We need to be able to take our kids to dairy farms and show them what it's all about; hard work. And I guarantee and I just thought of this as the second went by there's a thing called OSHA in the State of Maine and if a farmhand was working in a bad condition, all they'd have to do is make a phone call. Secondly, if these are migrant workers, they keep coming back every year. I must be believing that as our fellow Representative in the House said, they might be making \$40-45 an hour if they're doing the right picking at the right time. Thank you, Mr. Speaker, for your time.

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

Representative **Harnett**: Thank you, Mr. Speaker, Women and Men of the House. I rise in support of the pending motion. I will begin by explaining my support of LD 1022 by making an observation and posing a few questions that I ask you to consider as I speak. First, the observation. Today, on June 16, 2021, farm workers in Maine and throughout the United States are considered essential workers by both the State of Maine and the United States government. And, as essential workers, they worked throughout the pandemic, from the early days when we didn't understand how the virus spread, to outbreak after outbreak of COVID-19 among farm workers. The exact figure of how many agricultural workers in the United States contracted COVID-19 is unknown as so many feared that a positive test would cause them to lose their job. Yet despite being designated as essential, farm workers are not considered employees under Maine labor laws. Under current Maine labor law, in 2021, farm workers are not considered to be employees under wage and hour laws. As a result, they are not protected by Maine's minimum wage and overtime laws found at 26 MRSA Section 664, Subsections 1 and 3. They are not provided with the legal protections enjoyed by just about every other working person in Maine. I want you to consider the following questions.

Why are the workers, the human beings who put the food on our tables, treated as less than, less worthy, less valued, less appreciated and less entitled to the legal protections enjoyed by all other working people? How did it come to be that at the end of the workweek the people that put the food on our tables are left without enough money to put the same food on their tables to feed their families? To answer these questions, we must look at the history of agricultural work and I know I'm going to offend people and its origins in slavery.

Domestic and agricultural labor, houseworkers and field workers, were the cornerstones of the plantation system and those occupations continue to be an integral part of the post-emancipation economic system. Many black workers were forced to continue to provide their labor working as tenant farmers and sharecroppers. According to some estimates, at emancipation three million enslaved people over the age of 10 were emancipated and nearly two million of those worked on farms. Black farm workers in the south accounted for 87.4% of all black farm workers nationwide. In the 1930s, significant labor laws were passed as part of the New Deal, establishing minimum wages, overtime pay and the right for workers to organize and collectively bargain. The legislative history of both of these laws is clear that lawmakers, particularly southern lawmakers, were adamant that setting a floor on wages would undermine the lingering plantation system. Eliminating the historic disparities between farm workers who were black and other people of color was not welcome. And I'm going to read some testimony from those congressional hearings and I apologize for the language that you will hear. Democratic Representative Edward Cox –

Representative **DILLINGHAM**: Point of Order.

The **SPEAKER**: The Chair recognizes the Representative from Oxford, Representative Dillingham and inquires to her Point of Order.

Representative **DILLINGHAM**: Thank you very much. I appreciate the Good Representative's history on this, but I really would appreciate if the comments could be directed directly to the bill that's in front of us and not what happened in Congress or reference to what happened in southern states. Thank you.

On **POINT OF ORDER**, Representative **DILLINGHAM** of Oxford asked the Chair if the remarks of Representative **HARNETT** of Gardiner were germane to the pending question.

The **SPEAKER**: The Chair would remind the Member that the question before us is the adoption of the Majority Ought to Pass as Amended by Committee Amendment "A" Report related to LD 1022 regarding wage and hour laws. The Chair would ask the Member to direct his comments towards the bill related to wage and hour laws.

The Chair reminded Representative **HARNETT** of Gardiner to stay as close as possible to the pending question.

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

Representative **HARNETT**: Mr. Speaker, with all due respect, I'm addressing the history of those laws and how those exclusions came to be and the consequences of those exclusions and why we need to change that law. I believe it is entirely relevant.

The **SPEAKER**: The Member will defer. The Chair would instruct the Member to proceed should the comments relate to the history of the wage and hour laws that are being contemplated by this Body.

Representative **HARNETT**: Thank you, Mr. Speaker. Democratic Representative Edward Cox said that it will allow for and I quote, the elimination and disappearance of racial and social distinctions and throw into the question the determination

of the standards and customs which shall determine the relationship of our various groups of people in the south. Florida Representative Mark Wilcox, quote, said –

Representative **UNDERWOOD**: Point of Order.

The **SPEAKER**: The Chair recognizes the Representative from Presque Isle and inquires to his Point of Order.

Representative **UNDERWOOD**: Again, what the prior Representative spoke of, he has a lot of comments that are specifically his own personal opinion, trying to push it into a context of this law that with this bill before us. And it is irrelevant. So, would you please turn his speaker off. Thank you, Mr. Speaker.

On **POINT OF ORDER**, Representative **UNDERWOOD** of Presque Isle asked the Chair if the remarks of Representative **HARNETT** of Gardiner were germane to the pending question.

The **SPEAKER**: The Chair would advise the Member that there's been a pretty good deal of latitude during the course of today's debate where people shared their personal stories related to the issue at hand that weren't necessarily driven directly at wage and hour laws but how this bill could affect this industry. The Member is referring to testimony before Congress or testimony from members of Congress related to wage and hour laws. Whether they were in the present day or in the past, the Chair has ruled that those comments are in order.

The Chair reminded Representative **HARNETT** of Gardiner to stay as close as possible to the pending question.

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

Representative **HARNETT**: Thank you, Mr. Speaker. The Representative from Florida stated there has always been a difference in the wage scale of white and colored labor. Now, such a plan might work in some sections of the United States, but those of us who know the true situation know that it will just not work in the south. You cannot put the negro and the white man on the same basis and get away with it. The minimum wage was condemned by southern legislators as an attack on the south and its tradition. South Carolina Senator Cotton Ed Smith complained and I quote, every Senator present knows that the anti-lynching bill is introduced for no reason in the world other than a desire to get the votes of a certain race of people. I shall not attempt to use the proper adjective to designate in my opinion that this bill, this minimum wage and overtime bill, this Fair Labor Standards Act, any man on this floor who has sense enough to read the English language knows that the main object of these bills is by human legislation to overcome the splendid gifts of God. The consequences of leaving farm workers out of the protections afforded by basic labor laws have been terrible and long-lasting. Generation after generation have been trapped in poverty, working under a wage scale that for more than four decades placed them at a lower minimum wage and continues to this day to deny them overtime. This history makes it easy to see why the lives and working conditions of these workers have not changed over the years. Unlike almost every working person in Maine and throughout the United States, farm workers can still be fired for just talking about their working and living conditions. If they simply ask to talk to their coworkers about changing their minimum wage and working conditions, they can lose that housing, lose their jobs, thousands of miles from their home.

Never forget that what is legal is not always what is right, moral and just. There are currently an estimated 2.5 to 3 million farm workers in the United States. 83% of those workers identify as Hispanic, 6% identify as indigenous, incomes among farm workers remain extremely low, with over a third of farm workers living below the poverty level. That is our history and why we

find ourselves where we are today. The price paid by farm workers for that history is too high. They have and continue to live in poverty. It is unjust, it is immoral. We can change that in this chamber today. While we might not be responsible for the writing of the history that I just outlined, we are responsible for what we do to change it, moving towards a better and more just future. However, if we do not repeal and replace laws that are the vestiges of chattel slavery, steeped in racism and that have institutionalized that racism by creating a class of workers treated as less than, less valued, less respected and less than human, we aid, abet and continue it. If we do nothing --

The SPEAKER: The Member will defer. The Chair would remind the Member to not question the motives of other Members in this chamber. The Member may proceed.

Representative **HARNETT**: Why are the hours the farm workers toil to feed us worth less than those of other working people? There is no good answer to that question in my mind. I'm asking you to change that by voting in support of the Ought to Pass as Amended motion on LD 1022. I would point out as amended the law phases in this overtime over a three-year period, it doesn't do it immediately, but it's an important start. Other states have enacted laws to provide farm workers with both minimum wage and overtime protection. Specifically regarding just overtime, the State of California, the largest agricultural State in terms of production, the State of Hawaii, the State of Maryland, the State of Minnesota and the State of New York have done so, as has the District of Columbia, although I'm not sure how many farms we have in our nation's capital. Just last month, the State of Washington followed suit after their Supreme Court found that the treatment of black and Latino farm workers being excluded from their State labor laws was unconstitutional. Those other states also provide the same minimum wage to farm workers as is paid to all other working people. Those State wages are substantially higher than the stagnant federal minimum wage which remains at \$7.25 an hour, the only wage guaranteed to farm workers. Are Maine farm workers worthy of a similar legal protection? In my mind, the answer is clearly yes. The time is right to extend that fundamental protection long-contained in Maine's wage and hour laws to all of Maine's working people, including farm workers.

As one of the Good Representatives stated before, it goes without saying if there are no farms, there is no food and there are no farm workers. I readily acknowledge that there are structural and systemic problems in our country with the way farm owners are compensated for the food they produce and we must change that. But what I am asking, critically, is that we cannot solve those problems by continuing the exploitation of farm workers by maintaining laws based on historical inequities. I ask you to support the pending motion and I thank the Body for its time.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker and Members of the House. These two debates are difficult for some of us to follow and especially if you're from Aroostook County. Basically, part of the problem, let's say the agricultural portion of Aroostook because I know as farming, agriculture and potatoes, that industry, of course, has suffered a tremendous loss in terms of acreage over the years. For a period of time, they decided to try beets and that didn't work and now broccoli has now entered the field of agriculture.

Going back to the potatoes, for example, in terms of minimum wage, how anyone would ever be able to compute the

way in which its structured would be a mystery to me. Because most of the farmers have their own families that pretty much are responsible for doing the work, whether it be driving, you know, driving the pickups, the trucks, or whatever and then at some point in the season, they may choose to hire people to harvest the crop. That's another story in itself because so many in my day everyone that was a minor picked potatoes. And over time, that's changed, obviously and about four-fifths of it is now done with machinery. But that's a temporary occupation which lasts three to four weeks. And so how you handle minimum wage during that period is an impossible task to me or for them. Now, the other portion of the industry that has now developed has been the broccoli industry. And that was a result of a couple farmers who thought that there had to be some way to improve the agricultural community of Aroostook. And they started growing broccoli. The first year was somewhat of a disaster because they couldn't find anyone to harvest the crop, or very few. And so the following year, they got together and they applied for federal, I'm sorry, not for federal but for foreign workers, which is what they now do. And so they come in, they'll do the planting and they leave. They come back to harvest the crop and then they go home. And during that period, I want to say that their salaries are substantially more than what any agricultural farmer can afford to pay but they pay it because it provides income that they get back by selling the broccoli. The average salary is about \$15-17 an hour. You can't find anyone in Maine who wants to go pick broccoli, even for that price and certainly not in Aroostook. I mean, it's just a fact of life. So, when they come in, when the immigrants come in, they basically take over the operation of harvesting the crop and then, like I said, when they're done, they return to their home country. That is what has made a big difference to the agricultural community of Aroostook County.

So, when we talk about minimum wage, for example, under this bill, it makes absolutely no sense to the farmers of Aroostook County because most of the time the people who work with the farmer are their own family members. They may hire one or two people, but they're usually family members as well and so that's what takes place. And so, for some of us to try to understand the way other areas of Maine are dealing with agricultural workers, it's somewhat of a mystery. And I would hope that if we try to combine and put those altogether, I think we better do a lot more study before we get to that point and we're not there. And I can hear it in the debate on both of these bills and I voted against the first one, which my labor record is pretty clear, but I just couldn't see where that was going. And this one's got the same problem. So, I would think that what we ought to do is not enact this bill, not pass it and maybe spend some time thinking of how to divide up the State as to if what we want to do is establish minimum wages, how to establish a basis upon which we're going to do it.

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

Representative **FOSTER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I, too, stand opposed to this motion. I thank the Good Representative from Eagle Lake for bringing this discussion back to the real State of Maine. I'm sure that he can, as I can, take anyone here who would like to make the trip around to some of our local cemeteries and visit the graves of Civil War veterans who traveled south, leaving their farms behind to their families, their children, while they went to free the colored slaves from the south. Enough; I digress. Back to Maine. I'm a little older than the Good Representative from Carmel. When I picked potatoes at the State seed certified farm



in Sangerville so that growers in Aroostook County would have those seeds, those seed potatoes to plant in the spring for their larger crops, I made 35 cents a barrel, 10 cents a box for certified seed. We didn't get out of school to pick potatoes in that area, so the farmer there, along with his family, brought in students, I worked with seasonal workers that cut pulp in the winter and picked potatoes in the fall and baled hay in the summer and got it in and maybe lived off a little bit of government aid food when those jobs weren't available. I also worked alongside my mother and my sister during that week and we worked long hours. And I found where the government first was there to help me out. When I went to get my paycheck, I figured out I had exactly \$99 coming to me for the potatoes I picked as a sixth grader that week. When the check got in my hand, I had to ask my mother where's all my money and she said well, the government took some of it, they're going to help you out. A sixth grader.

The government is here to help now the farmers of Maine. Most of the farmers in my area and I've got some big potato farms and I've got some bigger dairy farms in my district, the family is still working the farm, as the Good Representative from Eagle Lake said is true in Aroostook County. They do the year-round work and then there's the seasonal employees when the crops are coming in, when they hay has to be gathered, so on and so forth, they need extra help. Those folks work extra hours and they make a good sum of money during that time. They wouldn't come back if they didn't. It's hard to find workers now. The minimum wage is higher, they can go to work in other places where the work is not as hard, not as back-breaking. But some of them still come back. Maybe their fathers and mothers did in the generation before worked for that same farm. Now, a few of those farms do have hired labor that work there and maybe one or two of those workers and there aren't many on each of those farms to help out, one or two of those workers may actually be migrant workers that are here in the State of Maine from southern climes. But they are well-treated. They are provided housing along with their wages. I doubt very much that they ever work for less than minimum wage and they are offered opportunities to be with the family that they are working for. They are treated as family in most cases.

And I will end with the first time I ever saw migrant workers in our area, central Maine, where I live. The large apple farm in Newport, I was riding by there one day and there were black workers there from Jamaica. And I queried as to why. Well, the problem was because of unintended consequences from things that had been done here in this Legislature and other things, they couldn't get anybody to come in locally and pick apples anymore. So, they hired Jamaicans and those guys were good at it. They came up, they provided housing, temporary housing for them while they were there and, again, as everybody knows, the apple-picking season is quite short. They made good money, they went back to their homes in Florida when it was done and they came back the next year. Now, if they had been treated badly, if they weren't paid well, I'm sure that they could've gone to other areas of the country for that time of the year to work. Mr. Speaker, I've heard a lot here today that greatly disturbs me and I can tell you, if the farmers back in my district had time to listen to what goes on here and what's gone on here today, they would have my hide to want to know why I'm not defending them. And I will leave it at that and I will ask you to follow my light and vote this down. Thank you, Mr. Speaker.

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

Representative **KINNEY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It's not any kind of surprise that I'm a farmer. I got quite passionate in the last debate; this one's not any less of an intrusion on my business, my way of life, my family. Payroll is the largest expense on my farm, as it is on most farms. Most of my employees, that's right, they are employees, they barely work 20 hours a week most of the year and not one of them is paid at or below minimum wage. They're above Maine's minimum wage. If they were to work a long day, for example putting in hay, sometimes those days last 12, 14, 16 hours. They often take the next day off, or three, to recover. My family keeps going. We're still up at the crack of dawn and we work another 14-hour day by ourselves. Farms around me do the same. They have no workers, no employees, if they only pay the federal minimum wage. As I've stated before, why would anyone come work on a farm, put in the long hours, the hard work, when they can flip burgers at McDonalds or mess up my coffee order at Dunkin's for \$15 an hour. Thankfully, on the rare time when they need to work more than 40 hours a week, over the week, we've had the ability to pay a straight wage. Since if I were to average it out over the entire year, they wouldn't even come close to earning overtime pay. I pay above Maine's minimum wage but I wonder what farms in Maine are actually paying their workers so little. I wonder how it affects farms who barely pay a stipend to their interns rather than having employees. I click the pay employees button weekly in my payroll accounting. I file with the IRS a 943 for agricultural employees. I file W-2s and W-3s annually because I have employees. They're also family; not by blood, but by blood, sweat and tears. Thank you.

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

Representative **HUTCHINS**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think this LD 1022 is going to have some unintended consequences, like you've heard here. I have a very dear friend that manages groups of people that either blueberry or work in the woods that come up to Hancock County and he does it for the landowners. And I met him last fall at the general store in the morning, he and his crew of I think there was six or seven in the truck, or the van. And he was passing out checks and he looked over at me and he said I give these fellas that come here and work for us a weekly check, of course he's passing it out from the people that he works for, but he said most of these checks are \$1600 for last week's work. So, if these same workers were getting an hourly wage, maybe they would've got a \$5-600 payment. So, the unintended consequences is you may be getting rid of workers that are good because you're not going to be paying them enough. These same workers that he handles in Hancock County, where a lot of blueberries are raked, not as many as in Washington County, but a lot of blueberries, when they're done, they go to New York and pick apples and they do the same kind of thing. And these people are good at what they do. And on the floor here today, we seem to be moving into a Body that is trying to control, you know, too much of every issue in the State and in the process of doing so, we hear anger and, worse, hate, and hate is a terrible thing, Mr. Speaker. It does so much more damage to the vessel in which it is stored than to the object onto which it is poured. Thank you.

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

Representative **PICKETT**: Thank you, Mr. Speaker. I just wanted to mention we often get a lot of papers on our desks that are put on for different bills and we received one not too long ago in opposition to the pending motion by the Good Representative from Calais, Representative Perry. Before you make your vote, you might want to take a look at that paper and read it. It's very detailed in just how much harm this would do to the agricultural farms in our State. Thank you, Mr. Speaker.

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

Representative **DRINKWATER**: Thank you, Mr. Speaker. Mr. Speaker, I'm proud of you. You've been tested by fire here in the past hour and a half. I'm going to have to give you four stars, sir. Mr. Speaker, that flag is still hanging over your left shoulder. It has a farmer on it. And, you know, he's leaning on a sickle. Do you know why he's leaning on that sickle, Mr. Speaker? He's getting paid by the hour. Some people would say he must work for the State, but I'm not going to say that. Mr. Speaker, in 1940, my father at the age of 14 used to go up to the county picking potatoes. Him and his brothers got hired by a farmer up there to pick potatoes and they worked piecework. They didn't make much money back then, Mr. Speaker, but they were damn proud of what they did. He was raised on general assistance with 12 siblings, but they wanted to work. And when they went to the county, they worked hard. They worked seven days a week because the more they could pick, the more money they could take home.

Mr. Speaker, we've heard tonight about hourly wages versus piecework. Let me tell you what I've learned, Mr. Speaker, by listening to the testimony and talking to people. These migrant workers that come to Maine, they want to work. They want to work seven days a week, they want to work 16 hours a day and then they want to leave. Because they can make more money. They're not up here, Mr. Speaker, to go bowling, to go to the movies; they're here to work. And then they move on to another State or wherever they go and they send money to support their families. Mr. Speaker, if we change that pay schedule, unintended consequences could be that they don't want to come to Maine. So, what would the farmers do then? They have families. But, Mr. Speaker, as we've learned, the kids are growing up. Some keep farming, some move off the farm. Mr. Speaker, I took a tour two years ago with some of my friends here in this Body. Thank goodness, you know, the Maine Corporate Extension Service gave us a trip to visit farmers. Every farmer we went to in the Portland area, Cape Elizabeth, oyster farmer, I asked the same question. Is this new minimum wage affecting your hiring practices? Every one of them said yes. In particular and I won't mention their names but a farmer from Cape Elizabeth said I will not hire teenagers; they're a vegetable farmer, because how can I pay them the \$12 an hour when my top hand is making 15 and this young teenager knows nothing? So, the point of the story is, Mr. Speaker, that piecework works. In closing, Mr. Speaker, senior citizens are having a hard time between medication and food. This bill will increase the cost of food. We heard earlier today about medications and the choices the seniors have to make. Mr. Speaker, let's help them continue to be able to buy food. In closing, Mr. Speaker, I heard some comments that personally I was offended by and saddened at the same time. Such as why are they treated less than. Mr. Speaker, the Good Representative from Gardiner knows a lot about this because he was in the trenches looking at the situation with the people

that were treated less than. But, once again, Mr. Speaker, there was a way to address it and thank goodness he was a part of that team.

Mr. Speaker, in closing, I would like to thank the Good Representative from Aroostook, Representative Martin. You know, he brings a lot of experience to this Body, as does our own Representative over here, Sawin, who is taking this all in and he made a very valid point that I think both sides should come together and say you know what, this is not ready for prime time. This needs to be studied with a commission and let's try to find some compromise between the two sides here, Mr. Speaker. I think a lot of us here would like to see that, Mr. Speaker. Thank you, sir.

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

Representative **BRADSTREET**: Thank you, Mr. Speaker. I apologize for rising once again. I'd like to thank the sponsor for all his work he's done in the past regarding the abuses that have taken place in farm workers. I think the world's a better place for the work he's done. But that was then and there and this is here and now. We've never seen any evidence that this situation is serious enough in our State to warrant a drastic bill like this. This is not a benign bill. This will cause a lot of damage. And we've heard a lot about the damage it will cause to farmers, but it will also inadvertently cause a lot of damage to the people who are working on those farms. You heard the Good Representative from Milford talk about migrant workers and how they like to work. I've talked to some of them, actually and they do like to work every day they can for as long as they can. So, then they go back, a lot of times, to their home countries and they can spend several months not working. That's the way they choose to take their time off, they're able to think that through and that's what they choose to do. There will be also dynamics that will take place with enactment of this bill. If we think that the farmers are not going to be doing anything if this bill is enacted, we're mistaken. They will be offering less work to those same workers that the bill is trying to help. I hope we keep that in mind when we cast our votes in a few moments. Thank you, Mr. Speaker.

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

Representative **JOHANSEN**: Thank you, Mr. Speaker. I had thought I had shut my light back out. I've worked these harvests and I see nothing but locals working in them except for the vegetable harvests. The broccoli which goes on all year, that's a steady workforce that's not local, but all the rest of it is local folks. The darkest folks I saw were Native Americans. I listened carefully and I don't know where all this came from, but it's not going on in Aroostook in the area that I'm aware of. Thank you.

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

Representative **MILLETT**: Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I've debated whether to enter into this discussion and wondered how I could be constructive and helpful and I'm not sure I can do that, but I want to try. I want to thank the Good Representative from Eagle Lake for finally, in this last two hours, attempting to help you as presiding officer and the rest of us put a positive human face on the issues and words that have been used destructively and not positively during the past two hours. There's nothing wrong with the word farm, farmer, labor as a noun, labor as a verb or work. And all those things come together in a positive way when we allow people to work to produce the food that serves our State

and benefits our country. In this last two hours, I don't recall in the 15 years I've sat in this chamber, when I've been more frustrated. At a time when we're less than four hours now before our statutory adjournment and we're two hours of very negative rhetoric behind us, whether we can do the work that we were asked to do productively, constructively and coming together. It seems to me, Mr. Speaker and you tell me if I'm straying from the point of the bill and the timeframe that we're in right at the moment. We need to think about what lies ahead. We have hundreds of bills in transit between us and the other end of the Body, multiple hundreds of bills on the tables and bonds, billions of dollars waiting to be allocated and here we are with less than four hours to go to technically complete our work. If we don't put some of this negative thinking and divisive testimony and apparent attempt at demonizing good people, if we don't put that behind us, I am worried.

The SPEAKER: The Member will defer. The Chair would remind the Member to not characterize the motives and impugn other Members of this Body. The Member may proceed.

Representative MILLETT: Thank you, Mr. Speaker and it certainly was not my intent to describe the conversation with a personal phase. It was my attempt to say we need to come together. This is not a time to divide us apart. We have a lot of work ahead of us. I think we can learn from the conversation. The diversity that's in this building and I noted it when I came here 52 years ago, is the greatest learning lab in the State. We can learn from each other; we can benefit from the experiences and the backgrounds and the attempt to do the right thing. I just want to see us start working toward getting this chamber and this session to come to a close with some constructive outcomes and I don't want to waste more time with me talking because I'm part of the problem. I need to get my mental focus back on my tractors. This is the time of the year when I want to finish my interest in financial and other accomplishments and get on my four tractors and start mowing and tending and raking and baling and doing my family farm work. This is not allowing me and you and all of us to accomplish what we're sent here to do. So, I will only close, Mr. Speaker and I appreciate the fact that I've strayed a bit, by saying let's get to work. Let's finish the job. Let's do it together. Let's unite and try to make something good come out of this exchange and I hope we will do that and I thank you for listening.

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

Representative TUELL: Thank you, Mr. Speaker. At the beginning of this debate, there was a piece of paper handed out and I know we've all got a lot of paper on our desks, but I draw your attention to a piece of paper that the Representative from Calais had distributed. It was put together by some folks from our area Downeast and beyond. In the event that it's gone like so many other pieces of paper into the wastebasket, I'll briefly touch upon parts of it. It should be noted that mandatory overtime will exacerbate existing labor problems in agriculture, hurt struggling farmers and perhaps most importantly will decrease the earnings of most farm workers in Maine. With that, as an aside, our farm workers in many of our small communities buy local food; the restaurants in our small communities, hotels, etcetera. If they don't have farm workers, that's only going to drive up the cost of food for our patrons at our local restaurants, as an aside. LD 1022 makes Maine a less desirable place for seasonal and migrant farm workers looking to make as much money as possible in as short a period of time as they can. Under LD 1022, farmers struggling to achieve profitability would be forced to cap workers' hours to 50 hours in 2022, then 45

hours in 2023 and 40 hours in 2024. Forty hours mandatory overtime and considering a farm worker working today at 65 hours a week for a period of seven months, farm workers making the State minimum wage of \$12.15 an hour for seven months but capped at 40 hours would lose 690 hours per season, or roughly \$8400 of earned income.

I'm going to skip ahead a little bit as this can drag on and I know we all want to get on with the work that the Representative from Waterford mentioned earlier, but a point that I would like to drive home is that last year 18 farmers testified in opposition and that number includes small organic farmers, small- to medium-size vegetable farmers, wild blueberry farmers, dairy and many others, while only a single farmer testified in support. That was in the pre-pandemic. This year, 82 members of the public provided written testimony against this bill, while only four testified in support. Twenty-two farmers testified against and only one in support. Six Maine agricultural organizations testified against, including the Maine Potato Board, the Maine Farm Bureau, the Agricultural Council of Maine and the Wild Blueberry Commission of Maine as well as the Maine Dairy Industry Association and none were in support. With that, Mr. Speaker, I find this bill problematic and I would also echo the appreciation many have expressed for the Representative from Eagle Lake for grounding this in Maine and how we do things here. You know, we are a unique State, we're our own State, we're not Colorado or California or any other State. We have our own unique way of doing things and I'm thankful for that and I would ask folks to keep that in mind as well. And, with that, Mr. Speaker, I thank you for the opportunity to speak tonight.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Hall.

Representative HALL: Thank you, Mr. Speaker. I rise in opposition to this motion and I'll be brief. I would like to address that the Good Representative from Gardiner did have a question and I think I'd like to answer that. He asked how is it that the people who make our food can't feed themselves. That's not true. Farmers do know how to feed ourselves. If you remember back during the pandemic, back here in the spring, last spring, when the grocery stores had a lot of bare shelves on them? Trust me; the farmers all ate. We had food at home. We produce our own. We know how to feed ourselves and our workers, which are, quote, our employees. So, I'd like to just leave you with this one comment; farming is easy when you plow with a pencil.

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. 327**

YEA - Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doore, Doudera, Evangelos, Evans, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenus, Kessler, Lookner, Madigan, Mathieson, Matlack, McCreight, McDonald, Melaragno, Millett, Morales, O'Neil, Osher, Paulhus, Pebworth, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Warren C, Warren S, Williams, Wood, Zager.

NAY - Alley, Andrews, Arata, Austin, Bernard, Bickford, Blier, Bradstreet, Caiazzo, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Dunphy, Faulkingham, Fay, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Harrington,

Head, Hepler, Hutchins, Hymanson, Johansen, Kinney, Kryzak, Landry, Lemelin, Libby, Lyford, Lyman, Martin J, Martin R, Mason, McCrea, Meyer, Millett, Moriarty, Morris, Nadeau, Newman, O'Connell, O'Connor, Ordway, Parry, Perkins, Perry, Pickett, Pierce, Pluecker, Poirier, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Stover, Thorne, Tuell, Tuttle, Underwood, Wadsworth, White B, White D, Zeigler, Mr. Speaker.

ABSENT - Cebra, Grignon, Hanley, Javner, Martin, Perry, Prescott, Roche, Sharpe, Theriault.

Yes, 61; No, 80; Absent, 10; Excused, 0.

61 having voted in the affirmative and 80 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative SYLVESTER of Portland, the Minority **Ought Not to Pass** Report was **ACCEPTED** 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 **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Stop Social Media Censorship"

(H.P. 1198) (L.D. 1609)

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford  
McCREIGHT of Harpswell

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

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden  
POIRIER of Skowhegan

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

**READ.**

On motion of Representative HARNETT of Gardiner, the Majority **Ought Not to Pass** Report was **ACCEPTED** 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 **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-664)** on Bill "An Act Concerning Climate and Community Investment Projects" (H.P. 902) (L.D. 1231)

Signed:

Senators:

HICKMAN of Kennebec  
MIRAMANT of Knox

Representatives:

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

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

BRADSTREET of Vassalboro  
DRINKWATER of Milford  
MORRIS of Turner  
PRESCOTT of Waterboro

**READ.**

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

Representative BRADSTREET of Vassalboro **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 Vassalboro, Representative Bradstreet.

Representative **BRADSTREET**: Thank you, Mr. Speaker. In all practicality, this bill restricts bidding in a market where competition is critical to meeting State energy cost guidelines or goals. Many Maine companies have repeatedly testified against project labor agreements in our committee because of the needless and costless requirements that must be met. We need to remember that about 90% of Maine workers do not work in union shops and therefore they would be effectively disallowed from working on these projects. Some of those employers that have testified against many of them are employee owned and some of them, quite a number of them, have been voted the best places to work in Maine, so, it's not like the workers are being taken advantage of or not getting the benefits of having a good job and good pay. Those companies normally do pay prevailing wages, they do offer training and they do offer good benefits. So, I hope you will join me in opposing the pending motion. Thank you, Mr. 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. 328**

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

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

ABSENT - Cebra, Grignon, Hanley, Javner, Prescott, Roche, Sampson, Sharpe.

Yes, 82; No, 61; Absent, 8; Excused, 0.

82 having voted in the affirmative and 61 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-664)** 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-664)** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Regarding the Licensing of Persons To Conduct Advance Deposit Wagering"

(H.P. 430) (L.D. 587)

Signed:

Senator:

LUCHINI of Hancock

Representatives:

CAIAZZO of Scarborough  
McCREIGHT of Harpswell  
SUPICA of Bangor  
TUTTLE of Sanford  
WOOD of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-658)** on same Bill.

Signed:

Sensors:

FARRIN of Somerset  
HICKMAN of Kennebec

Representatives:

DOLLOFF of Milton Township  
KINNEY of Knox

**READ.**

Representative CAIAZZO of Scarborough moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative DILLINGHAM of Oxford **REQUESTED** a roll call on the motion to **ACCEPT** the 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**: 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. 329**

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

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

ABSENT - Cebra, Grignon, Hanley, Javner, Prescott, Roche, Sampson, Sharpe.

Yes, 80; No, 63; Absent, 8; Excused, 0.

80 having voted in the affirmative and 63 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Clarify the Laws Concerning Off-track Betting Facility Licenses"

(H.P. 628) (L.D. 860)

Signed:

Sensors:

LUCHINI of Hancock  
HICKMAN of Kennebec

Representatives:

CAIAZZO of Scarborough  
DOLLOFF of Milton Township  
McCREIGHT of Harpswell  
RIELLY of Westbrook  
SUPICA of Bangor  
TUTTLE of Sanford

WOOD of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-657)** on same Bill.

Signed:

Senator:

FARRIN of Somerset

Representatives:

COREY of Windham

HARRINGTON of Sanford

KINNEY of Knox

**READ.**

On motion of Representative CAIAZZO of Scarborough, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-681)** on Bill "An Act To Ensure Appropriate Oversight of Maine's Medical Marijuana Program" (EMERGENCY)

(H.P. 908) (L.D. 1242)

Signed:

Senators:

FARRIN of Somerset

HICKMAN of Kennebec

Representatives:

COREY of Windham

DOLLOFF of Milton Township

HARRINGTON of Sanford

KINNEY of Knox

SUPICA of Bangor

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

Signed:

Senator:

LUCHINI of Hancock

Representatives:

CAIAZZO of Scarborough

McCREIGHT of Harpswell

RIELLY of Westbrook

TUTTLE of Sanford

WOOD of Portland

**READ.**

Representative CAIAZZO of Scarborough moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

Representative KINNEY of Knox **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Bar Harbor, Representative Williams.

Representative **WILLIAMS**: Thank you, Mr. Speaker. I rise in opposition to the Minority Report on LD 1242 and I urge you to vote nay. The report introduced by the Good

Representative from Scarborough is, in fact, the losing Minority Report. 1242 received a Majority Ought to Pass vote by the VLA committee, yet it is the Minority Report that you are voting on here. So, again, please vote nay. A bit of background on 1242. In order to best help my clients, I work with them to create law-abiding, successful small businesses. When the most recent set of rules about OMP rules were drafted and release, OMP held a hearing in March of this year. While some changes were made, some of the most egregious rules remained. In order to figure out what was going on and why the Legislature was not responding to these rules, I went back to read the Administrative Procedures Act and the various medical marijuana Statutes and I was very surprised to find out that in the medical marijuana Statute, there's a statement that says all rules coming out of OMP shall be minor technical rules. That means OMP never has to come to us with any new rules' changes. Unlike, it seems to me, going through Statutes dealing with other agencies, unlike other agencies, they are off the hook. That was the genesis of LD 1242. Some other people might speak about other issues. My main issue is we are a coequal branch of government and no agency should be exempt in all time from having to come before us with at least major rules. This is what I'm looking for, this is what 1242 seeks and I urge you to vote Ought to Pass on that. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Windham, Representative Corey.

Representative **COREY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise in opposition to the pending motion. As a Member of the Legislature, I've always believed that we in the bureaucracies within State government should operate and make decisions with the most information possible, especially when a proposed set of routine technical rules can negatively impact many small businesses and patient access to medicine. After serving on the Legislature's Marijuana Legalization Implementation Committee in the 128th Legislature, my biggest takeaway was how tribal the cannabis industry is in how these different groups often have different and competing interests. The Legislature has been put in the position of being arbiter of these rivalries. We make sure the playing field is level. In the very early days of the current Legislature, the Office of Marijuana Policy was engaged in a rulemaking process based on past legislation. Concerns emerged and we saw bills designed to slow the process and better understand the impacts on industry participants and patient access to the medicine they rely on. For me, the biggest question surrounds whether or not Maine's caregivers possess the economy of scale needed to operate a business profitably with the proposed routine technical rules in place. Being able to reasonably identify Maine's cannabis tribes and understanding what their motivations may be, I can see where the battle lines have been formed. On one side, we have caregivers that are relatively small businesses, generally somewhat limited in their growth and could easily be hurt without focused researched and reasonable regulation. On the other side, we have the caregivers that are larger through sharing space and resources along with dispensaries that both built their empires when there were fewer regulations. Now they sit on enough assets and to endure onerous regulation, of course, they are now willing to blow up the bridges behind them and eliminate their competition.

Then there are adult use industry participants. The recreational market is heavily regulated but there is tiering that allows businesses to operate profitably. Look, Maine's caregivers and the patients that access medical marijuana are passionate, they are extremely protective of these small

businesses and patient access to medicine, they are not opposed to rules but believe those rules need to be carefully crafted, evidenced and appropriately flexible for different industry participants based on recognized economy of scale. There is a great deal of fearmongering going on through sell sheets distributed to our desks and in hallway conversations. It's been suggested that taking a serious look at the rules and track and trace system will threaten public safety, which is desperate. I'll tell you what will actually happen. If we do not put thought and care into the acceptance and implementation of these rules, we stand the chance of shuttering hundreds of small Maine cannabis businesses, which could expand the unregulated and illicit market. We could lose our medical cannabis program. I strongly believe that current market participants run honest businesses. I find it sad that the regulators seem to believe that they do not. Caregivers I've spoken with are fine with both regulations and inspections. They have a lot of time, resources and devotion to the patients they serve tied up into their businesses and would not jeopardize that to make a few bucks on the side. There are 3,000-plus caregivers who employ 5,000-plus Mainers. With that, they provide medicine to over 100,000 patients. Given that this regulation has the potential to negatively affect so many Mainers, wouldn't we want to make sure the proposed rules work? As I've said, it's incumbent on us to be fair arbiters, protect Maine businesses big and small, ensure access to medical cannabis for those that need it, act in a manner that allows businesses to flourish, protect Maine's people and make our decisions based on research and evidence. Please oppose the pending motion. Thank you.

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

Representative **HYMANSON**: Thank you, Mr. Speaker, Men and Women of the House. This has been a long and difficult journey and my part of it has been as chair of Health and Human Services when this bill came into effect in 2018. So, I followed this along because we respected the stakeholder process during the time that the law was written and included every stakeholder who is now out in the hallway to make the law happen. What we did during that time and the law, was to expand the business of the caregivers and what we talked about was drawing a corral around the business and opening up the inside so that there were regulations on the outside and a bigger business on the inside, so, caregivers now have storefronts and can work with people, can share information, can share their product and all in an effort to make what they do better. That was the expectation. Along with that building the business part was the expectation that there would be regulations. And some of those regulations was the track and trace. So, if you look at this bill and we are voting on a bill that has a few different parts to it, so, I want to really focus on that, the bill itself. The bill has five different parts and when you vote on a bill that has five different parts, there may or may not be things that you like about it. There are a few parts of this bill that I cannot support. The major one is that it eliminates the track and tracing for regulated caregivers, dispensaries, testing and manufacturers. The track and trace costs about \$40 a month and with the tags, which are 25 cents, what one does when they're growing a plant is to when the plant starts to grow, the tag goes on and then it's monitored with a tracking system which scans into a system called METRC, which you might have heard of, that the name METRC has been, you know, people have talked about that, the dispensers, but it really is the State's system. And when that plant grows up, you know where it came from and where it went.

Why is that important? Because in the end, whatever you think about cannabis and its ability to be legal in Maine, it is still a federally illegal substance and so we have to be careful with it. Also, if you don't track and trace it, it can go into the illegal market and can be just dispersed where it is and we collect taxes on the product. And so, if you don't track and trace it, you've no idea where the revenue comes from and how we can tax the revenue. Whatever you think of that, that would go away without track and trace.

So, this bill eliminates track and trace. It also eliminates an annual audit. So, it was supposed to be a third-party annual audit and whatever you think about an annual audit for businesses that bring in revenue to the State, that this bill eliminates that. It also routine technical rules; they can be slowed down and we are watching that process right now. Whereas major technical rules cannot be slowed down, cannot be sped up, they're very slow, we have worked with them before, I think everyone here has worked with that. So, the routine technical process can be slowed down. There are many different ways that can happen, you're witnessing one of them and I think that's working well because now we're discussing them. So, I'm going to be voting, for this particular bill, I will be voting to support the Ought Not to Pass motion. Thank you.

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

Representative **COREY**: Thank you, Mr. Speaker. Last time I rise, for sure.

This bill does not eliminate the track and trace system. What the bill does and it's in part C of the committee amendment, it's using existing resources we need to conduct a study evaluating the economic effects of any new rules on proposed changes to existing rules that may have, including but not limited to, the effects of implementing a statewide electronic portal on caregiver businesses of all sizes and how such rules could affect the access to patients to medical or marijuana for medical use. So, it doesn't not eliminate; nowhere in the summary does this eliminate the track and trace system. It puts a hold on it and it makes us look at that as a Legislature, but it does not eliminate a track and trace system. Number two, the third-party annual audit that this supposedly, you know, gets rid of, nobody can actually define what this is. We've had the Office of Marijuana Policy in front of our committee. This is actually in several bills and we just happened to have it in this bill. Nobody actually says what this third-party audit looks like, how it's supposed to be conducted, so why would we have it? Anyways, thank you, Mr. Speaker.

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

**ROLL CALL NO. 330**

YEA - Alley, Arata, Babbidge, Brennan, Bryant, Caiazzo, Cardone, Carmichael, Cloutier, Craven, Crockett, Evans, Fay, Hymanson, Martin J, Martin T, McCreight, Newman, Pierce, Rielly, Tepler, Tucker, Tuttle, Wood, Mr. Speaker.

NAY - Andrews, Arford, Austin, Bailey, Bell, Bernard, Berry, Bickford, Blier, Blume, Bradstreet, Brooks, Carlow, Collamore, Collings, Connor, Copeland, Corey, Costain, Crafts, Cuddy, Dillingham, Dodge, Dolloff, Doore, Doudera, Downes, Drinkwater, Ducharme, Dunphy, Evangelos, Faulkingham, Fecteau, Foster, Geiger, Gere, Gifford, Gramlich, Greenwood, Griffin, Grohoski, Haggan, Hall, Harnett, Harrington, Hasenfus, Head, Hepler, Hutchins, Johansen, Kessler, Kinney, Kryzak, Landry, Lemelin, Libby, Lookner, Lyford, Lyman, Madigan,

Martin, Mason, Mathieson, Matlack, McCrea, McDonald, Melaragno, Millett H, Millett R, Morales, Moriarty, Morris, Nadeau, O'Connell, O'Connor, O'Neil, Ordway, Osher, Parry, Paulhus, Pebworth, Perkins, Perry A, Perry J, Pickett, Pluecker, Poirier, Quint, Reckitt, Riseman, Roberts, Roeder, Rudnicki, Sachs, Salisbury, Sheehan, Skolfield, Stanley, Stearns, Stetkis, Stover, Supica, Sylvester, Talbot Ross, Terry, Theriault, Thorne, Tuell, Underwood, Wadsworth, Warren C, Warren S, White B, White D, Williams, Zager, Zeigler.

ABSENT - Cebra, Grignon, Hanley, Javner, Meyer, Prescott, Roche, Sampson, Sharpe.

Yes, 25; No, 117; Absent, 9; Excused, 0.

25 having voted in the affirmative and 117 voted in the negative, with 9 being absent, and accordingly the Minority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative CAIAZZO of Scarborough, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-681)** 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-681)** and sent for concurrence.

Seven Members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-665)** on Bill "An Act To Make Comprehensive Substance Use Disorder Treatment Available to Maine's Incarcerated Population"

(H.P. 490) (L.D. 663)

Signed:

Senator:

LAWRENCE of York

Representatives:

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

Five Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-666)** on same Bill.

Signed:

Senators:

DESCHAMBAULT of York  
CYRWAY of Kennebec

Representatives:

COSTAIN of Plymouth  
NEWMAN of Belgrade  
PICKETT of Dixfield

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

Signed:

Representative:

RUDNICKI of Fairfield

**READ.**

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

Representative PICKETT of Dixfield **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**: 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. 331**

YEA - Alley, Andrews, Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Corey, Crafts, Craven, Crockett, Cuddy, Dodge, Doore, Doudera, Dunphy, Evangelos, Evans, Fay, Fecteau, Geiger, Gere, Gramlich, Grohoski, Haggan, Harnett, Harrington, Hasenfus, Hepler, Hymanson, Kessler, Landry, Libby, Lookner, Madigan, Martin J, Martin R, Martin T, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Ordway, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Skolfield, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Arata, Austin, Bernard, Bickford, Blier, Bradstreet, Carlow, Carmichael, Collamore, Connor, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Foster, Greenwood, Griffin, Hall, Head, Hutchins, Kinney, Kryzak, Lemelin, Lyford, Lyman, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Parry, Perkins, Pickett, Poirier, Quint, Rudnicki, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Cebra, Gifford, Grignon, Hanley, Javner, Johansen, Prescott, Roche, Sampson, Sharpe.

Yes, 92; No, 49; Absent, 10; Excused, 0.

92 having voted in the affirmative and 49 voted in the negative, with 10 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-665)** 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-665)** and sent for concurrence.

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



**CONSENT CALENDAR**

**First Day**

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

(S.P. 39) (L.D. 31) Bill "An Act To Adopt the Occupational Therapy Licensure Compact" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-305)**

(S.P. 326) (L.D. 1036) Bill "An Act To Allow a State Employee To Use a Federal Military Health Insurance Program and Reenroll upon Retirement in the State's Group Health Plan" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-302)**

(S.P. 486) (L.D. 1509) Bill "An Act To Provide That Maine's School Bus Drivers Are Eligible for Unemployment Insurance in Certain Circumstances" Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-292)**

(S.P. 508) (L.D. 1584) Bill "An Act To Make Donated Medicines Available to Maine Patients at an Affordable Cost" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-304)**

(S.P. 530) (L.D. 1645) Bill "An Act To Establish Protections for Private Student Loan Borrowers and a Registry of Lenders" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-303)**

(S.P. 538) (L.D. 1651) Bill "An Act To Support Working Families through Outreach and Education about Tax Credits for Persons of Low Income" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-299)**

(S.P. 566) (L.D. 1713) Bill "An Act To Increase Workforce Skills for the Revitalization of Maine's Paper Industry through the Establishment of an Income Tax Credit for Paper Manufacturing Workforce Training" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-300)**

(H.P. 526) (L.D. 716) Bill "An Act To Enhance and Improve the Maine Developmental Services Oversight and Advisory Board and To Establish the Aging and Disability Mortality Review Panel" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-660)**

(H.P. 631) (L.D. 863) Bill "An Act To Have Maine Join the Interstate Psychology Interjurisdictional Compact To Improve Telehealth Options for Psychologists and Their Patients" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-661)**

(H.P. 1085) (L.D. 1469) Resolve, To Give Direct Service Providers Hazard Pay and To Pay Additional COVID-19 Pandemic Costs Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-662)**

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

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

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

**ENACTORS**

**Emergency Measure**

An Act To Implement the Recommendations of the Maine Juvenile Justice System Assessment and Reinvestment Task Force

(H.P. 391) (L.D. 546)

(C. "A" H-616)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act To Ensure the Provision of Appropriate Personal Protective Equipment to Firefighters

(H.P. 911) (L.D. 1245)

(C. "A" H-610)

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act To Establish the Southern Aroostook County Emergency Medical Services Authority

(S.P. 554) (L.D. 1699)

(C. "A" S-269)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act To Allow the Reduction of a MaineCare Lien

(H.P. 337) (L.D. 461)

(C. "A" H-600)

An Act Regarding School Discipline for Maine's Youngest Children

(H.P. 348) (L.D. 474)

(C. "A" H-599)

An Act To Allow for Fair Restitution by Providing That Restitution Includes the Cost of Analysis of Suspected Illegal Drugs If the Defendant Was Convicted of Trafficking and Was Motivated by Profit

(H.P. 351) (L.D. 477)

(C. "A" H-607)

An Act To Provide Consistency Regarding Persons Authorized To Conduct Examinations for Emergency Involuntary Commitment and Post-admission Examinations

(H.P. 636) (L.D. 868)

(C. "A" H-604)

An Act Concerning the Unannounced Execution of Search Warrants  
(H.P. 771) (L.D. 1043)  
(C. "A" H-622)

An Act To Promote a Circular Economy through Increased Post-consumer Recycled Plastic Content in Plastic Beverage Containers  
(H.P. 1083) (L.D. 1467)  
(C. "A" H-622)

An Act To Improve Investigations of Child Sexual Abuse  
(H.P. 1100) (L.D. 1486)  
(C. "A" H-611)

An Act To Protect Oral Health for Children in Maine  
(H.P. 1111) (L.D. 1501)  
(C. "A" H-618)

An Act Regarding Travel Insurance in the Maine Insurance Code  
(S.P. 506) (L.D. 1563)  
(C. "A" S-271)

An Act To Increase Privacy and Security by Regulating the Use of Facial Surveillance Systems by Departments, Public Employees and Public Officials  
(H.P. 1174) (L.D. 1585)  
(C. "A" H-620)

An Act To Improve Access to Medical Care for and Expand the Rights of Adult Clients of State Correctional Facilities  
(H.P. 1245) (L.D. 1674)  
(C. "A" H-615)

An Act To Amend the Laws Prohibiting Teachers, Employees and Other Officials from Engaging in Sexual Activity with Students  
(S.P. 549) (L.D. 1715)  
(C. "A" S-270)

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 Create the Family Caregiver Grant Pilot Program  
(H.P. 209) (L.D. 296)  
(C. "A" H-621)

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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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.

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-140)** - Minority (4) **Ought Not to Pass** - Committee on **LABOR AND HOUSING** on Bill "An Act To Require Coverage for Female Firefighters Facing Reproductive System Cancer"  
(H.P. 148) (L.D. 213)

TABLED - May 19, 2021 (Till Later Today) by Representative SYLVESTER of Portland.  
PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Representative **MILLETT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It's been a while since we've seen this legislation and I just want to remind folks that this bill adds gynecologic cancer to the definition cancer so that there's also a rebuttable presumption under that act for a firefighter. We currently offer male firefighters rebuttable presumption for testicular and prostate cancer and these following states offer offer their women firefighters presumptive coverage for all or some gynecologic cancers; Alabama, California, Florida, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Virginia, Wisconsin and Wyoming. Treating female firefighters equitably will fortify their role in our firefighter workforce, thus enhancing the safety of our State. In the past, firefighting was a male-dominated profession, however, times are changing and we need to change with them. Hence the necessity of LD 213. We women and men alike must abolish this inequity regarding reproductive cancer coverage in female firefighters and continue to fight for these heroes as they do for us. It is now our time as a State to show for our heroes, women and men, just the same. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Grohoski.

Representative **GROHOSKI**: Thank you, Mr. Speaker and good evening, colleagues. The two greatest honors of my life thus far are serving alongside you in this chamber and serving my community as a volunteer firefighter. In the latter role, I was part of a dedicated and fearless crew of men and women whose top priority was protecting the public and looking out for each other in the face of great danger. While perishing in a burning building is a horrific possibility for all in the fire service, there is a more insidious killer of the men and women who serve in this profession; cancer. Evidence shows that firefighters are at a substantially greater risk of certain cancers than the general public. In fact, it is such a well-recognized workplace hazard that our Workers' Compensation Act includes presumptive coverage for kidney cancer, non-Hodgkin's lymphoma, colon cancer, leukemia, brain cancer, bladder cancer, multiple myeloma, prostate cancer, testicular cancer and breast cancer. Do you notice anything missing? We cover prostate and testicular cancers but not female gynecological cancers, not for lack of evidence but for lack of action by this Body. We have the opportunity to rectify this inequity here and now. I entered many a burning building with my crew of men and women. We relied on each other to rescue people, extinguish the fire and get out of those buildings alive. Fire knows not of its victims' sex, nor does cancer. It is unconscionable and insulting to the women who put their lives on the line for our safety that they not be afforded the same protection as their male counterparts. Please join me this evening in telling our female firefighters that we value their service and their sacrifices. Please join me in rectifying this wrong by supporting the pending motion.

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

Representative **HARRINGTON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion and would like to applaud the Good Representative from Cape Elizabeth for putting this forward. I think it's vitally important that we continue to look out for the health and well-being of all the men and women of the fire service in Maine. Thank you.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-140)** 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**.

Representative MILLETT of Cape Elizabeth **PRESENTED House Amendment "B" (H-686)** which was **READ** by the Clerk.

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

Representative **MILLETT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This amendment is simply a mandate preamble. Thank you, Mr. Speaker.

Subsequently, **House Amendment "B" (H-686)** was **ADOPTED**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-140)** and **House Amendment "B" (H-686)** 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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Bill "An Act To Ensure Parents' Access to Their Minor and Adult Children with Special Needs" (EMERGENCY)

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

- In House, Majority (9) **OUGHT NOT TO PASS Report** of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** on June 10, 2021.

- In Senate, Minority (4) **OUGHT TO PASS AS AMENDED Report** of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-529)** in **NON-CONCURRENCE**.

TABLED - June 14, 2021 (Till Later Today) by Representative DUNPHY of Old Town.

PENDING - **FURTHER CONSIDERATION**.

Representative PERRY of Calais moved that the House **RECEDE**.

On further motion of the same Representative, the Minority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-529)** was **READ** by the Clerk.

Representative PERRY of Calais moved that **Committee Amendment "A" (H-529)** be **INDEFINITELY POSTPONED**.

Representative FAULKINGHAM of Winter Harbor **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE Committee Amendment "A" (H-529)**.

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 Indefinite Postponement of

Committee Amendment "A" (H-529). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 332**

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

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

ABSENT - Cebra, Grignon, Hanley, Javner, Prescott, Roche, Sampson, Sharpe.

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

76 having voted in the affirmative and 67 voted in the negative, with 8 being absent, and accordingly **Committee Amendment "A" (H-529)** was **INDEFINITELY POSTPONED**.

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

On motion of Representative PERRY of Calais, **House Amendment "A" (H-636)** was **READ** by the Clerk.

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

Representative **DILLINGHAM**: Thank you, Mr. Speaker. Would the Good Representative from Calais be able to explain what the makeup of the taskforce would be and also would the Representative who is a sponsor be a part of that taskforce?

The SPEAKER: The Representative from Oxford, Representative Dillingham has posed a question to any Member who may care to respond. The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Yes, it's a legislative one. There will be legislators on that and I certainly hope the sponsor of the bill will be a part of that.

Representative DILLINGHAM of Oxford **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-636)**.

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

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

Representative **FAULKINGHAM**: Thank you, Mr. Speaker. I'm a little bit surprised at the status of where we're at right now with this bill having been tabled for so long with so much time to discuss all this procedural motion, but Mr. Speaker, we had a second shot at this bill and the other Body sent it back to us anyways. This bill as it stood was incredibly narrow in scope. It addressed a very small population of children and

parents. We are talking about nonverbal children. Let's be honest here, Mr. Speaker, these parents are an extension of the child. There is absolutely no health or moral reason that could justify separating the two. I have constituents who are the parents of a nonverbal adult child whose intellectual maturity is that of a 3-year-old; a wonderful child that goes to work with his mom and dad every day. The child had a medical emergency, this was during the last COVID year we've had, he had a medical emergency and he was transported to the ER where they intubated him and moved him into ICU. He was having seizures and a medical problem. The parents were told to leave or be arrested. The child was left alone for six hours while the parents made phone calls and begged to get back access to the child. Finally, they got a hold of a division manager that gave them back access to the child. While the parents were away, trying to gain access to the child, the hospital did a 50% increase in his PP meds. After four weeks and several trips to the clinic, they were back in the ER with toxic poisoning. He had toxic levels of Dilantin. The child almost died. The parents were investigated by DHS as they were the ones who changed his meds, why did they do it, while they were unaware that this happened while they were separated, fighting for access to the child. The child was transported by EMS to Ellsworth and then life-flighted to Bangor. This near-death experience could've been avoided if the child's parents hadn't been separated. This is unconscionable, Mr. Speaker and I am ashamed that the Body is not moving forward with this legislation now.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-636). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 333**

YEA - Alley, Arata, Arford, Babbidge, Bailey, Bell, Berry, Blier, Blume, Brennan, Brooks, Bryant, Calazzo, Cardone, Carlow, Cloutier, Collings, Connor, Copeland, Corey, Crafts, Craven, Crockett, Cuddy, Dillingham, Dodge, Doudera, Downes, Dunphy, Evans, Fay, Geiger, Gere, Gramlich, Griffin, Grohoski, Harnett, Harrington, Hasenfus, Head, Hepler, Hymanson, Kessler, Kinney, Kryzak, Landry, Libby, Lookner, Lyman, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett H, Millett R, Morales, Moriarty, Morris, Nadeau, O'Connell, O'Neil, Osher, Parry, Paulhus, Pebworth, Perry A, Perry J, Pierce, Reckitt, Rielly, Roberts, Roeder, Sachs, Salisbury, Sheehan, Stetkis, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Tucker, Tuell, Tuttle, Warren, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Bickford, Bradstreet, Carmichael, Collamore, Costain, Dolloff, Drinkwater, Ducharme, Evangelos, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Haggan, Hall, Hutchins, Johansen, Lemelin, Lyford, Martin, Mason, Newman, O'Connor, Ordway, Perkins, Pickett, Pluecker, Poirier, Quint, Riseman, Rudnicki, Skolfield, Stanley, Stearns, Thorne, Underwood, Wadsworth, Warren, White B, White D, Williams.

ABSENT - Cebra, Doore, Grignon, Hanley, Javner, Prescott, Roche, Sampson, Sharpe.

Yes, 97; No, 45; Absent, 9; Excused, 0.

97 having voted in the affirmative and 45 voted in the negative, with 9 being absent, and accordingly **House Amendment "A" (H-636) was ADOPTED.**

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

HOUSE DIVIDED REPORT - Report "A" (9) **Ought to Pass as Amended by Committee Amendment "A" (H-605)** - Report "B" (3) **Ought Not to Pass** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "B" (H-606)** - Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Support and Improve Municipal Recycling Programs and Save Taxpayer Money"

(H.P. 1146) (L.D. 1541)

TABLED - June 14, 2021 (Till Later Today) by Representative TUCKER of Brunswick.

PENDING - **ACCEPTANCE OF ANY REPORT.**

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

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

Representative **DILLINGHAM**: Thank you. I rise today in opposition to LD 1541; not in opposition to finding a solution for our State's recycling system but because this proposal does not create the shared goal of an improved system. LD 1541 adds an additional tax burden onto Maine residents. If passed, we will pay both local property taxes and increased prices at the register. Of largest debate today is the question of cost. What does the program to reinvent Maine's recycling system cost? To calculate such estimates, it is much more complicated than proponents have touted based on the number of households and the packaging material quantities. There are literally hundreds of variables that affect the price of goods, even for the same product and retailer; demographics, infrastructure, relative purchasing power, proximity to markets, density of competing retailers, etcetera. An extended producer responsibility program will not alleviate municipal costs, nor will it prevent the disposal of materials when values drop. It will, in turn, create a program dependent on fees to sustain Maine's current way of doing things. If the current 16-18 million in projected costs as stated by the proponents is all that it going to take to revise the system, then why is it necessary to create entirely new bureaucracy to manage it? Because the realities are it's much more complicated and there is a reason that no other State has passed this legislation. Not even California, the world's fifth-largest economy, has been able to find a way to effectively move forward with this program. The program will undoubtedly be much more expensive, it will take more money to promote, educate and expand services, increase accessibility and, most importantly, mature and finesse Maine's current recycling infrastructure.

When studying reports from Canadian provinces, the annual reports from British Columbia, Ontario, Manitoba, Saskatchewan and Quebec demonstrate that there isn't a single municipal program that has recycling system costs of less than 150 per ton. So, even the most basic math demonstrates the system cost would be 50% higher than what the proponents are saying at 24.3 million to 26.88 million. However, beyond simple calculations and extrapolating the data further to include indirect and induced impacts of the program, it has a total economic impact of 259-368 million to Maine. York University has undertaken a comprehensive review of EPR jurisdictions from around the world, including several studies surrounding EPR governance as well as historical recycling system performance

across jurisdictions. It is extraordinarily difficult to isolate the impacts of EPR legislation on cost after the fact. The study found that the direct economic impacts to producers of goods from LD 1541 range from 99 million to \$134 million annually, increasing costs on consumer goods from 4 to 7%. How can we in good faith move forward with a policy that would create higher prices for Maine, especially Maine's elderly and economically disadvantaged? Large international brands have been subjected to participate in flawed programs in Canada but yet packaging and recyclability issues remain. If these programs will redesign the entire packaging industry, then why have we not seen that already? The answer is because it's not that simple. Maine's small market will not force these companies to change their packaging. For some companies, alternative packaging options simply don't exist. In Ontario, British Columbia, Quebec and in Manitoba there have been year over year increases in net system costs by more than 10% while recycling rates are trending downwards. Despite the figures discussed today, we can all agree that there are too many unknowns to this program. Too many unknowns for businesses to comply, including retailers of all sizes who will be required to scour the lists to determine if the products they sell are compliant or noncompliant. If noncompliant, retailers would be banned from selling the goods. The bill requires the Maine DEP to post a publicly-available list of 10s of millions of products listed by UPC code that are compliant or noncompliant with the law. In essence, every single product sold in Maine would need to be registered with the State. A small storefront may have 3,000 different codes to review while larger stores may have more than 100,000 products to review. These tasks will be executed by the people of Maine, tasked with the burden of attempting to execute a program with a magnitude of data and expectations without specificities.

Maine's recycling system needs improvement, improvement that also includes responsibility for municipalities as integral players. They, too, must be responsible for increasing recycling. A significant flaw is that LD 1541 provides municipalities funding the disposal of landfilling of packaging materials. Landfilling is currently the lowest-cost method for dealing with solid waste in Maine and yet LD 1541 makes landfilling less expensive by municipalities. It's completely counterproductive to support landfilling costs when those funds should be instead be used to rebuild recycling infrastructure instead of fund disposal. This packaging tax policy directly contradicts the 10-year strategic economic development plan. How do we encourage Maine brands to grow with a policy that acts as a ceiling with a real financial impact on their bottom line? While positioned to only cost large multinational companies, this too will affect successful Maine brands. Maine's dairy, blueberry and potato brands, for example. The exact companies in which we strive to see succeed and welcome with open arms to do business here. This policy lacks the specifics for these companies to truly understand what they will be responsible for and when we can't answer that for our State's largest business, that is a problem.

Let us not conflate recycling with sustainability. Not all recycling is created equal and in many instances prioritizing mechanical recycling at the expense of other end-of-life outcomes can be detrimental both environmentally and economically. LD 1541 creates a massive government-run program, creates a program where DEP responsible for five separate rule-makings on rates and fees that are paid to and from the producers. This would result in nonmarket-based rates being set and fewer incentives for improved recycling

infrastructure in Maine. Why not partner with our neighboring states to truly achieve economies of scale for materials and to achieve ultimate efficiencies with a regional approach to recycling? To justify increased prices at the register, it's imperative that a recycling program is developed with thorough and continuous stakeholder feedback and with clear goals for success. LD 1541 gives DEP full authority without comprehensive input from those who will be forced to pay and implement. Our supply chain is broken and this will only exacerbate the issue. Maine will be the only State, the farthest away and we already rely heavily on inbound goods. More than 90% of our food is imported, we have seen our prices rising and, yes, they're rising due to labor shortage, increased costs of transportation and increasing fuel prices. We the consumers are paying in the same way that we will pay when the companies incur additional cost to participate in the EPR program. The recycling bin of today is fundamentally different from what it was even as little as 10 years ago. Readily-recyclable materials are making up less of the overall proportion in packaging materials currently recycled. The claim that a well-designed EPR system encourages cost control and recycling rate performance is false. The entire reason why municipalities are calling for EPR is that existing recycling infrastructure is now fundamentally incompatible with the types of products being generated. The first State to pass this needs to do it well and this legislation is not that. This bill should give us all pause, cause us all to question the feasibility for Maine businesses and their staff who will struggle to implement in the cost we will place on ourselves. This should not be done in haste. If Maine is to pass an extended producer responsibility program for packaging, it should be done correctly and this bill, Mr. Speaker, is not a comprehensive approach to recycling reform. Thank you.

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

Representative O'CONNOR: Thank you, Mr. Speaker. Just about everything I needed to say was said, so, I will refrain. Thank you.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Grohoski.

Representative GROHOSKI: Thank you, Mr. Speaker and my Colleagues in the House. I appreciate the opportunity to speak in favor of the pending motion to support and improve Maine's municipal recycling programs and save taxpayer dollars. We've got a waste management problem here in Maine. When it comes to recycling, we pay too much for mediocre results. Currently, the cost of disposing of packaging trash is socialized amongst taxpayers. It's time to course-correct and make the cost-causers pay for the management of their waste. Once we do that, we can support and restore recycling programs and reduce the property tax burden. We're talking about making multinational corporations pay, just like they do in 40 other jurisdictions around this world. That's what this bill does, while providing important exemptions and protections for our small Maine businesses. The experience of neighboring Quebec shows us the potential of this program. The province has a 63% recovery rate, with more than 99% of its 8.4 million residents able to access curbside recycling. What is Quebec's secret to success? A 15-year-old program similar to the one proposed here. The annual per capita cost associated with this real program are the same as ours in Maine, about \$13 per person, but Quebec has nearly double the materials recovery rate. Our work here in Maine is part of a national paradigm shift. Just yesterday, the Ellen MacArthur Foundation released a statement in support of proposals like this one as a solution to

our waste crisis on behalf of over one hundred companies, including; Unilever, Walmart, Coca-Cola and 50 other organizations and trade groups. They recognize that, quote, without such policies, packaging collection and recycling is unlikely to be meaningfully scaled and 10s of millions of tons of packaging will continue to end up in the environment every year, end-quote. Now is the time to restructure our waste management system to work better for Maine people, our municipalities and our environment. We cannot afford to wait any longer, as our recycling programs fail and our municipal taxpayers bear the rising costs of managing this waste. Please join me in supporting the pending motion.

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. 334**

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

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

ABSENT - Cebra, Grignon, Hanley, Javner, Prescott, Roche, Sampson, Sharpe.

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-605)** was **READ** by the Clerk.

Representative TUCKER of Brunswick **PRESENTED House Amendment "A" (H-714) to Committee Amendment "A" (H-605)**, which was **READ** by the Clerk.

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

Representative TUCKER: This amendment makes four minor changes to the 21-page bill. First, it creates an exemption, an additional exemption for perishable food. Secondly, it deletes language on retailers' obligations. Thirdly, it deletes certain express language on disposal payments. Fourth, it establishes major substantive rulemaking for a portion of the bill. Specifically, paragraph D of section 13 which deals with exempted products. The reason for that is that the exempted products are most facing public issues and should come back to the Legislature for our review. Those are the four parts of the floor amendment. Thank you.

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

Representative O'CONNOR: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this motion and this amendment. This amendment makes this a little better; just a little. It does exempt certain businesses from this and how this piece of legislation came about is another story entirely, which I'll save for another day. However, this is going to cost your average family of four in the State of Maine anywhere from \$39 to \$60 a month. With inflation rising through the roof, these are things that individuals cannot bear. This recycling program, the way this is written, will still put Maine on an island by itself. No other State in the country has passed this for very, very good reason. Our families cannot afford this. Our recycling program in Maine currently costs \$63 million. This bill has been reduced a little bit from about \$134 million annually to maybe 99 million. Who knows? With inflation, our poor families could be living on just potatoes and spaghetti. This is a bad bill, the amendment does not make it much better and will not ever make me support it. Thank you, Mr. Speaker.

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

Representative GRAMLICH: Thank you, Mr. Speaker, Colleagues of the House. I rise in support of the pending motion. I would like to directly address the false claims being made that this bill could affect the cost of consumer goods. Here's what we need to know. The so-called study that is the basis for these claims was written by a researcher who has received hundreds of thousands of dollars from Clorox Canada to support his work. Clorox is part of a trade group called AMERIPEN, comprised of multibillion-dollar corporations that are working to defeat this bill. Although these corporations participate in programs like this, one in five Canadian provinces and throughout Europe, they don't want to play by the same rules here in Maine. This study, Mr. Speaker, was not peer reviewed, it does not cite one single source, has typos and erroneous math. Also, the author admitted to the *Portland Press Herald* that there actually isn't any evidence that extended producer responsibility policies increase the cost of consumer goods; no evidence, Mr. Speaker.

This is exactly what a separate analysis by a consulting firm known as RRS concluded. Looking at real-world product prices in provinces across Canada, they found no evidence or correlation between extended producer responsibility policies and the price for consumer goods. None. And just this week, we received a letter from a group of University of Maine researchers who are members of the Materials Management Research Group at the University's Mitchell Center for Sustainability Solutions. These Maine researchers were highly critical of the paper being used by the opponents of this bill. They criticize the author's lack of transparency, lack of citations and lack of peer review. And here is what these University of Maine experts had to say; we are writing to express our support for LD 1541, which would establish extended producer responsibility for product packaging. Existing peer-reviewed research suggests that well-designed programs can serve as effective tools to hold producers responsible for the cost of end-of-life management. By asking producers to take responsibility for these costs, EPR can provide essential funding for recycling programs and free up taxpayer-funded municipal budgets for important local priorities like roads, emergency services and education. EPR programs can also incentivize producers to redesign packaging particularly with eco-modulated fee structures like the legislation proposed here in Maine. So, there you have it, Mr. Speaker. Are we going to trust an obscure

researcher from Toronto who has received hundreds and thousands of dollars from Clorox or are we going to listen to experts from the University of Maine? I urge you to support the pending motion. Thank you, Mr. Speaker.

Representative GREENWOOD of Wales **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-714) to Committee Amendment "A" (H-605)**.

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

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

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, last session committee chairs had asked Maine businesses to propose solutions to this problem. They did propose a solution. They worked a draft, they presented to the committee a bill and it was totally ignored, Mr. Speaker. Dirigo; Maine leads in the race to the bottom.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-714) to Committee Amendment "A" (H-605). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 335**

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

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

**ABSENT** - Cebra, Grignon, Hanley, Javner, Prescott, Roche, Sampson, Sharpe.

Yes, 86; No, 57; Absent, 8; Excused, 0.

86 having voted in the affirmative and 57 voted in the negative, with 8 being absent, and accordingly **House Amendment "A" (H-714) to Committee Amendment "A" (H-605) was ADOPTED**.

**Committee Amendment "A" (H-605) as Amended by House Amendment "A" (H-714) thereto was ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-605) as Amended by House Amendment "A" (H-714) thereto and sent for concurrence**.

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

**HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-608) - Committee on LABOR AND HOUSING** on Bill "An Act To Remove Barriers to Accessory Dwelling Units and Allow Accessory Dwelling Units where Single-family Houses Are Allowed"

(H.P. 968) (L.D. 1312)

**TABLED - June 14, 2021 (Till Later Today)** by Representative **DUNPHY** of Old Town.

**PENDING - ACCEPTANCE OF COMMITTEE REPORT**.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-608) was READ** by the Clerk.

Representative **SYLVESTER** of Portland **PRESENTED House Amendment "A" (H-697) to Committee Amendment "A" (H-608)**, which was **READ** by the Clerk.

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

Representative **SYLVESTER**: Thank you, Mr. Speaker. This was a unanimous report. The committee believed that it was moving the agreement between the Maine Municipal Association and the sponsor, there were fixes that needed to be made to that amendment, Maine Municipal Association brought those fixes forward and members of the committee are happy with it, so we are moving this amendment to make sure that it's what was agreed upon.

Subsequently, **House Amendment "A" (H-697) to Committee Amendment "A" (H-608) was ADOPTED**.

**Committee Amendment "A" (H-608) as Amended by House Amendment "A" (H-697) thereto was ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-608) as Amended by House Amendment "A" (H-697) thereto and sent for concurrence**.

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

**HOUSE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "A" (H-619) - Minority (6) Ought Not to Pass - Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Create Culturally Sensitive Treatment and Recovery Halfway Houses for Immigrants Transitioning out of the Juvenile Justice System"

(H.P. 709) (L.D. 963)

**TABLED - June 15, 2021 (Till Later Today)** by Representative **WARREN** of Hollowell.

**PENDING - ACCEPTANCE OF EITHER REPORT**.

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

Representative PICKETT of Dixfield **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 Lewiston, Representative Brooks.

Representative **BROOKS**: Thank you, Speaker, Women and Men of the House. Members of our community came to me with a number one issue that they have identified in our community and that has to do with juvenile justice and it has to do with health care and the inequities in our current system. They've spoken with other community leaders who see this issue again and again. Oftentimes, our youth are incarcerated with a least-restrictive appropriate setting that doesn't fit the crime. We worked on the bill through the committee process and there were amendments made, we were able to discuss with the Department of Corrections, we had stakeholder meetings and the committee amendment that we're discussing now had three major components; the culturally informed treatment and recovery programs, culturally informed prevention, diversion, restorative justice and reentry and reintegration programs and culturally informed reentry and reintegration halfway homes. This is a very important bill for our community for each one of us and it is a place where we have been working cooperatively and it is really important to give this matter a voice and really listen.

Subsequently, Representative PICKETT of Dixfield **WITHDREW** his **REQUEST** for a roll call.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-619)** was **READ** by the Clerk.

Representative BROOKS of Lewiston **PRESENTED** **House Amendment "A" (H-656)** to **Committee Amendment "A" (H-619)**, which was **READ** by the Clerk.

The SPEAKER: The Representative may proceed.

Representative **BROOKS**: We are here in this chamber as a privilege. It is a privilege to be able to represent our communities. And when I talk about our communities, I don't mean District 61, part of Lewiston, I mean Maine and the United States. We need to address issues that are brought to us and not make fun of them, not see that where some can access treatment and recovery and rehabilitation and have appropriate supports, a roof over our heads, food, clean water and it is important that we work together. And in that spirit, our community members have worked with the District Attorneys in our community and they've worked with Department of Corrections and it's time that we really listen and pay attention and, with that being said, this amendment, what it does is it is an amendment proposed by the Department of Corrections that would address the first two areas. The House amendment is available online to read but it also, there's a commitment behind this, that there is going to be greater listening, understanding and taking stakeholders from the community, especially directly affected people and families and really try to move in a cooperative direction.

Subsequently, **House Amendment "A" (H-656)** to **Committee Amendment "A" (H-619)** was **ADOPTED**.

**Committee Amendment "A" (H-619) as Amended by House Amendment "A" (H-656)** thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-619) as Amended by House Amendment "A" (H-656)** thereto and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-612)** - Minority (5) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Reauthorize a 3 Percent Tax on Income over \$200,000 To Lift All Maine Workers out of Poverty"

(H.P. 361) (L.D. 498)

TABLED - June 15, 2021 (Till Later Today) by Representative TERRY of Gorham.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

On motion of Representative TERRY of Gorham, the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

An Act To Amend Maine's Harness Racing Laws Regarding Race Dates and Pari-mutuel Pools (EMERGENCY)

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

(H. "A" H-546 to C. "A" H-403)

TABLED - June 15, 2021 (Till Later Today) by Representative DILLINGHAM of Oxford.

PENDING - **PASSAGE TO BE ENACTED**.

On motion of Representative KRYZAK of Acton, 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" (H-403)**.

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" (H-403)** was **ADOPTED**.

The same Representative **PRESENTED** **House Amendment "B" (H-687)** to **Committee Amendment "A" (H-403)** which was **READ** by the Clerk.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT** **House Amendment "B" (H-687)** to **Committee Amendment "A" (H-403)**.

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 Saco, Representative O'Neil.

Representative **O'NEIL**: Thank you, Mr. Speaker. Mr. Speaker, I inquire about the content of the amendment. I'm just not able to view it.

Subsequently, Representative KRYZAK of Acton **WITHDREW** his **REQUEST** for a roll call.



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

Representative **DILLINGHAM**: Thank you, Mr. Speaker, in attempt to answer the question, I believe the amendment removes the emergency preamble.

Representative MELARAGNO of Auburn **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-687) to Committee Amendment "A" (H-403)**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "B" (H-687) to Committee Amendment "A" (H-403). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 336**

YEA - Alley, Andrews, Arata, Arford, Austin, Bailey, Bell, Bernard, Bickford, Blier, Blume, Bradstreet, Caiazzo, Cardone, Carlow, Carmichael, Cloutier, Collamore, Collings, Connor, Corey, Costain, Craven, Cuddy, Dillingham, Dolloff, Doore, Doudera, Downes, Drinkwater, Ducharme, Dunphy, Evangelos, Evans, Faulkingham, Fay, Fecteau, Foster, Gere, Gifford, Greenwood, Griffin, Haggan, Hall, Harrington, Hasenfus, Head, Hepler, Hutchins, Hymanson, Johansen, Kessler, Kinney, Kryzak, Landry, Lemelin, Libby, Lyford, Lyman, Madigan, Martin J, Martin R, Martin T, Mason, McCrea, McDonald, Meyer, Millett, Morales, Moriarty, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Paulhus, Perkins, Perry A, Perry J, Pickett, Pluecker, Poirier, Quint, Reckitt, Riseman, Roberts, Roeder, Rudnicki, Sachs, Salisbury, Sheehan, Skolfield, Stanley, Stearns, Stetkis, Stover, Sylvester, Terry, Theriault, Thorne, Tucker, Tuell, Tuttle, Underwood, Wadsworth, Warren C, Warren S, White B, White D, Mr. Speaker.

NAY - Babbidge, Berry, Brennan, Brooks, Bryant, Copeland, Crockett, Dodge, Geiger, Gramlich, Grohoski, Harnett, Lookner, Mathieson, Matlack, McCreight, Melaragno, Millett, O'Connell, O'Neil, Osher, Pebworth, Pierce, Rielly, Supica, Talbot Ross, Tepler, Williams, Wood, Zager, Zeigler.

ABSENT - Cebra, Grignon, Hanley, Javner, Prescott, Roche, Sampson, Sharpe.

Yes, 112; No, 31; Absent, 8; Excused, 0.

112 having voted in the affirmative and 31 voted in the negative, with 8 being absent, and accordingly **House Amendment "B" (H-687) to Committee Amendment "A" (H-403)** was **ADOPTED**.

**Committee Amendment "A" (H-403) as Amended by House Amendments "A" (H-403) and "B" (H-687)** thereto was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-403) as Amended by House Amendments "A" (H-403) and "B" (H-687)** 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** with the exception of matters being held.

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**SENATE PAPERS**

The following Joint Order: (S.P. 582)

ORDERED, the House concurring, that the procedures outlined in S.P. 9 that allow but do not require the conduct of legislative meetings via electronic means are in effect until the convening of the Second Regular Session of the 130th Legislature.

Came from the Senate, **READ** and **PASSED**.

**READ**.

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

Representative **DILLINGHAM**: Just for clarification, this is what we refer to as our superorder and I want to clarify that even though committees will be able to continue to meet remotely, members still have the ability to come to the building to participate in their committee meetings.

Subsequently, the Joint Order was **PASSED** in concurrence.

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

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

**HOUSE DIVIDED REPORT - Majority (10) Ought to Pass as Amended by Committee Amendment "A" (H-673) - Minority (3) Ought Not to Pass - Committee on JUDICIARY on Bill "An Act To Prohibit Discrimination in Housing Based on a Person's Participation in a Rental Assistance Program"**

(H.P. 858) (L.D. 1180)

Which was **TABLED** by Representative HARNETT of Gardiner pending **ACCEPTANCE** of Either Report.

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

Representative ARATA of New Gloucester **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 New Gloucester, Representative Arata.

Representative **ARATA**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. So, it's already illegal to refuse to rent to people just because they're recipients of public assistance, but this bill would make it a Maine Human Rights Act violation to refuse to participate in a rental assistance program such as the Section 8 housing assistance program. Now, most landlords who refuse to participate in housing voucher programs do so because so many of these programs are so poorly run. I myself am a housing provider and I actually do accept Section 8 vouchers, so, I can give you some examples from my own personal experience and I hope that this can inform your vote. I accepted a tenant's voucher back in February and I had to resubmit the paperwork several times before I was finally paid rent in May. And during that time, the tenant was very fearful of and confused by the Housing Authority. And then, after I finally got my first month's rent, we had an inspection and I failed the housing quality inspection. And I can read a little tiny part of that deficiency notice to you. It says refrigerator fail, handle missing. They failed the apartment because the refrigerator door handle

was missing. And then they gave me a four-hour window during which they would re-inspect within 30 days on a Monday afternoon, so, a four-hour window, I assume that, you know, you've probably had to wait four hours for the cable guy or whatever, it's very inconvenient for the tenant and for me. So, you know, it was kind of bizarre that they were willing to cut off this woman's rent just because a refrigerator door handle was missing. And I was able to get the part during a pandemic and I did fix it and everything's fine for now. But that's just an example of how poorly some of these programs are run. So, rather than make housing providers into criminals for refusing to participate in poorly-run programs, why don't we work on solutions? Let's vote against this motion and instead let's all work together to make the Section 8 program so streamlined, so efficient, so wonderful for both tenants and landlords that landlords are just begging to be a part of it. So, please join me in opposing this motion. Thank you.

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

Representative **MORALES**: Thank you, Mr. Speaker. Mr. Speaker, Friends and Colleagues in the House, this bill is one of the many steps to solve our housing crisis by closing a loophole that allows housing providers to refuse to rent to people based solely on the fact that the rent is paid in whole or in part by a rental assistance program. The truth is, in Maine, based on the interpretation of Maine law by the Supreme Judicial Court, although Maine law does prohibit source of income discrimination by landlords when choosing a tenant, the court held that a landlord can refuse to participate in a government program. This decision created a loophole in that it allows source of income discrimination against tenants because of where their income comes from to pay their rent. This bill seeks to change that and close that loophole because the result of allowing source of income discrimination is that veterans who qualify for VASH, veterans housing assistance programs, are discriminated against when looking for apartments, young adults who were in foster care and have rental assistance are discriminated against when looking for apartments, people experiencing physical and mental disabilities and receive housing assistance are discriminated against when looking for apartments, people seeking to escape domestic violence and receiving housing assistance are discriminated against when looking for apartments and people experiencing housing insecurity or homelessness and receive housing assistance are discriminated against when looking for apartments.

All of these people can and are by law today discriminated against because they qualify for some kind of State or federal assistance with housing costs. In my day job, I've talked about this a little bit in this Body, it is common for me and my staff and partners to be looking for an apartment for a person who has housing assistance through one of the programs I just mentioned and not be able to find a landlord willing to rent to them. I have worked very closely with landlords for the past three years and like my good friend who just spoke, many of them do accept rental assistance. And at the outset of working with many of them, I hear their concerns about working with these programs. However, when we talk about what these programs can do, how they help folks get back on their feet who are in need, how they provide secure rent for the landlord, how some come with mentors and supports, most do not object to any of these. Their major concern is having life safety code inspections prior to a tenant moving in. I can understand that to some degree but, on balance, it's important that apartments where children, seniors, veterans, persons with disabilities live

should meet our life safety codes, Mr. Speaker, particularly if the landlord is accepting this housing assistance to pay the rent. And I don't believe any of us would disagree with that. If we are weighing discrimination against renting to veterans and a life safety inspection, I urge this Body to land on the side of making sure we do not discriminate against our veterans or any others receiving housing assistance. Thank you very much, Mr. 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. 337**

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

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

ABSENT - Cebra, Grignon, Hanley, Javner, Landry, Prescott, Roche, Sampson, Sharpe.

Yes, 81; No, 61; Absent, 9; Excused, 0.

81 having voted in the affirmative and 61 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-673) was READ** by the Clerk.

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After Midnight

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Representative ARATA of New Gloucester **PRESENTED House Amendment "A" (H-696) to Committee Amendment "A" (H-673)**, which was **READ** by the Clerk.

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

Representative **ARATA**: Thank you, Mr. Speaker. This amendment replaces the bill with a resolve to establish a commission to study discrimination against tenants who participate in federal, State and local tenant-based rental assistance programs. It has the typical language regarding the composition of the commission and requires a report by the end of the year to the Judiciary Committee and then the Judiciary Committee could present a new bill. This would give us a chance to really work through the issues with the housing voucher programs and create a solution that will benefit both tenants and landlords and, like I said before, make these programs in Maine so great that landlords are just begging to be a part of them. I think that's something that we could back in a bipartisan manner. Thank you.

Representative **DUNPHY** of Old Town **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-696) to Committee Amendment "A" (H-673)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-696) to Committee Amendment "A" (H-673). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 338**

**YEA** - Alley, Andrews, Arata, Austin, Bernard, Bickford, Blier, Bradstreet, Carlow, Carmichael, Collamore, Collings, Connor, Corey, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Harrington, Hutchins, Johansen, Kinney, Kryzak, Landry, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Pickett, Poirier, Quint, Rudnicki, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

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

**ABSENT** - Cebra, Grignon, Hanley, Head, Javner, Prescott, Roche, Sampson, Sharpe.

Yes, 62; No, 80; Absent, 9; Excused, 0.

62 having voted in the affirmative and 80 voted in the negative, with 9 being absent, and accordingly **House Amendment "A" (H-696) to Committee Amendment "A" (H-673)** was **NOT ADOPTED**.

Subsequently, **Committee Amendment "A" (H-673)** was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-673)** and sent for concurrence.

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

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-318)** on Bill "An Act To Ensure Access to and Availability of Violence Intervention Services To Reduce Domestic Violence in Maine" (S.P. 478) (L.D. 1491)

Signed:

Senators:

DESCHAMBAULT of York  
CYRWAY of Kennebec  
LAWRENCE of York

Representatives:

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

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

Signed:

Representative:

RUDNICKI of Fairfield

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-318)**.  
**READ**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-318)** 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-318)** in concurrence.

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Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-317)** on Bill "An Act To Encourage Research To Support the Maine Offshore Wind Industry"

(S.P. 142) (L.D. 336)

Signed:

Senators:

LAWRENCE of York  
VITELLI of Sagadahoc

Representatives:

BERRY of Bowdoinham  
CARLOW of Buxton  
CUDDY of Winterport  
GROHOSKI of Ellsworth  
KESSLER of South Portland  
WADSWORTH of Hiram  
WOOD of Portland  
ZEIGLER of Montville

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

Signed:

Senator:

STEWART of Aroostook

Representative:

FOSTER of Dexter

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-317)**.

**READ.**

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

Representative DILLINGHAM of Oxford **REQUESTED** a division on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **FOSTER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. LD 336, this offshore wind research array bill is for a project to build up to twelve 12.5-megawatt wind turbines about 20 miles or so off the Maine coast. It's a big opportunity for Maine citizens. The planning, construction and deployment of this research array will employ many current and future Maine citizens. Considering location, it will likely employ several MMA graduates now and in the future. However, from my point of view, when boating near my camp, this array 20 miles off the coast of Maine, seems to be a better option for a view than those that I find I'm looking at just eight miles away from my camp. Although this research project seems like a good opportunity for Maine to jump into the offshore renewable energy market, I do have concerns with this bill and would like to touch on those here. First, this bill came to committee for a work session on the last day of our scheduled work. It, in fact, had new language in it which we did not see until that time. This new language changed the bill significantly and, in fact, some who had testified in favor of the bill at the hearing later contacted us with notification that they were now opposed to the bill.

Secondly, I am concerned about the cost to ratepayers of Maine. In spite of this being an attractive project for future investment, it was decided to rely on increase utility generation charges for funding versus capital monies or private investments. The 12.5-megawatt Monhegan test unit was awarded a contract of 23 cents per kilowatt hour in year one. Considering a 40% efficiency production for that unit, the cost would be \$8,500,000 to ratepayers for the first year and in a 20-year contract accelerated to \$13,270,000 in year 20. The total estimated cost for that one 12.5-megawatt unit is estimated to be \$215,042,000. The research array has 12 of these 12.5-megawatt units. Although it is not known for sure, estimates have been bandied about that the cost per kilowatt hour would be around 13 cents per kilowatt hour. I'll let you do the math on that. Again, 12 of the same type of units as the Monhegan project. Finally, another concern that I have, I'll mention here, is language requiring project labor agreements for any working on this project. As a maintenance manager at one of Maine's paper mills, I negotiated contracts with outside concerns supplying union and nonunion workers to meet mill needs outside the normal day-to-day activities. At my mill and other industrial sites across the State, use of both labor pools was required to meet the demand of construction projects, major repair outages and emergency breakdowns. Even then, the competition for labor throughout the northeast left us lacking from time to time. That experience causes me to wonder how a project of this size will meet its manning need within the project labor agreement. I would expect out-of-state labor may be required to do so. This is unfortunate when we consider that besides our in-state union laborers, we also have more than 27,000 blue-collar workers employed by 4800 construction firms in Maine who help build our roads, bridges, schools, marine facilities and more. Thank you for the time, Mr. Speaker.

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

Representative **HUTCHINS**: Thank you, Mr. Speaker. I rise with a different concern altogether on offshore wind power and that's the fact that it will replace lobster; what makes Maine, Maine. I do not believe that the two can coexist and so, I'm quite heartened by the fact that maybe we can make sure that this never happens. And the reason that I say that is because the powerline that would, even if this is outside the three-mile limit, the line, if it came across Maine, is making a substantive change to Maine-owned property which would require a two-thirds vote of this Body, which I don't think we could get. Thank you.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

A vote of the House was taken. 101 voted in favor of the same and 38 against, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-317)** 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-317)** in concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-320)** on Bill "An Act To Clarify Funding for Civil Legal Services" (EMERGENCY)

(S.P. 189) (L.D. 483)

Signed:  
Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:  
Senator:

KEIM of Oxford

Representative:

HAGGAN of Hampden

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-320)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-320)** 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-320)** in concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-324)** on Bill "An Act To Increase the Penalty for Engaging in the Sex Trafficking of Children"

(S.P. 162) (L.D. 813)

Signed:  
Senators:

CARNEY of Cumberland  
KEIM of Oxford  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
HAGGAN of Hampden  
McCREIGHT of Harpswell  
MORIARTY of Cumberland

POIRIER of Skowhegan  
SHEEHAN of Biddeford

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

Signed:  
Representative:

RECKITT of South Portland

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-324)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-324)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-324)** 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-324)** in concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Ensure Equality in Women's Health Care Access in Maine by Requiring Facilities Providing Abortions To Inform Patients of Options and Alternatives"

(S.P. 254) (L.D. 825)

Signed:  
Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-321)** on same Bill.

Signed:  
Senator:

KEIM of Oxford

Representatives:

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

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

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

Representative HARNETT of Gardiner moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

The **SPEAKER**: 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. 339**

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

**NAY** - Alley, Arata, Austin, Bernard, Bickford, Blier, Bradstreet, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Harrington, Head, Hutchins, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin J, Martin R, Martin T, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Pickett, Quint, Rudnicki, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Tuttle, Underwood, Wadsworth, White B, White D.

**ABSENT** - Cebra, Grignon, Hanley, Javner, Prescott, Roche, Sampson, Sharpe.

Yes, 80; No, 63; Absent, 8; Excused, 0.

80 having voted in the affirmative and 63 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Provide Campground Owners Limited Civil Liability from the Inherent Risks of Camping"

(S.P. 316) (L.D. 986)

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-322)** on same Bill.

Signed:

Senator:

KEIM of Oxford

Representatives:

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

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-322)**.

**READ.**

Representative HARNETT of Gardiner moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

The **SPEAKER**: 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. 340**

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

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

**ABSENT** - Cebra, Grignon, Hanley, Javner, Prescott, Roche, Sampson, Sharpe.

Yes, 79; No, 64; Absent, 8; Excused, 0.

79 having voted in the affirmative and 64 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Provide Dignity for Fetal Remains by Requiring Their Interment or Cremation" (S.P. 398) (L.D. 1225)

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-319)** on same Bill.

Signed:

Senator:

KEIM of Oxford

Representatives:

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

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

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

Representative HARNETT of Gardiner moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

Representative **LIBBY**: Thank you, Mr. Speaker. I rise in opposition to the pending motion. LD 1225 requires the final disposition of fetal remains resulting from abortion through cremation or interment. I present you with two scenarios that illustrate the necessity of this bill. A woman becomes pregnant and the announcement brings great rejoicing among family and friends. This child was long-desired and the years of waiting now appear to be over. The mother-to-be has an uneventful first half of the pregnancy but in her second trimester goes into premature labor. The baby is born and there is again great rejoicing when, by the grace of God and thanks to the skilled doctors and nurses in attendance, the child survives. Another woman becomes pregnant and this pregnancy was neither hoped for nor anticipated. The woman is torn but in her second trimester makes the decision to abort. The baby is older than 16 weeks so cannot be removed via suction and forceps. Instead, the physician dilates the cervix and dismembers the body, crushing the skull to facilitate removal. The aborted baby is then stored in a refrigerator or freezer, ground up in a garbage

disposal unit and flushed into the sewer system or tossed into a garbage can. Both of these babies were unique, created in the image of God and had the potential to live full, productive lives as members of society. One was valued and the other was not. Throughout this session, I have heard the word dignity spoken many times. Dignity is the right of a person to be valued and respected for their own sake and to be treated ethically. It has nothing to do with class, race, religion, abilities, age or any factor other than being human. Bottom line; this bill is about dignity, Mr. Speaker. If you read LD 1225, you will see that in the final section, the definition of biomedical waste is being changed to no longer consider fetal remains. No child of any age should be considered waste, thrown in the trash or blended in a garbage disposal. I ask that you give these children dignity following death and vote against the pending motion.

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. 341**

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

**NAY** - Alley, Arata, Austin, Bernard, Bickford, Blier, Bradstreet, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Harrington, Head, Hutchins, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin J, Martin R, Martin T, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Pickett, Poirier, Quint, Rudnicki, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Tuttle, Underwood, Wadsworth, White B, White D.

**ABSENT** - Cebra, Cuddy, Grignon, Hanley, Javner, Kessler, Prescott, Roche, Sampson, Sharpe.

Yes, 77; No, 64; Absent, 10; Excused, 0.

77 having voted in the affirmative and 64 voted in the negative, with 10 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

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

**HOUSE DIVIDED REPORT** - Majority (10) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-669)** - Committee on **JUDICIARY** on Bill "An Act To Remove Coverage under the MaineCare Program for Abortions Not Covered by Medicaid"

(H.P. 553) (L.D. 748)

Which was **TABLED** by Representative HARNETT of Gardiner pending **ACCEPTANCE** of either Report.

Representative HARNETT of Gardiner moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

Representative **HAGGAN**: Thank you. After speaking with a close friend with great passion on this issue, I decided to rise and speak tonight.

For decades, there has been a sacred chasm between the abortion industry and those who are pro-life. This chasm is that tax funds would not be utilized to pay for elective abortion services. Maine has crossed that chasm and thrown aside the sacred for the temporal. I ask that we return to keeping our tax funds out of the abortion industry. Our State has been working hard to find funding for our seniors, our children and our disabled, funding for our nursing homes and assisted living facilities and funding for the thousands who are stalled on waiting lists for vital services. These should continue to be our focus. Please follow my light and restore the sacred to our lives. 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. 342**

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

**NAY** - Alley, Andrews, Arata, Austin, Bernard, Bickford, Blier, Bradstreet, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Harrington, Head, Hutchins, Johansen, Kinney, Lemelin, Libby, Lyford, Lyman, Martin J, Martin R, Martin T, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Perry, Pickett, Poirier, Quint, Rudnicki, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Tuttle, Underwood, Wadsworth, White B, White D.

**ABSENT** - Cebra, Grignon, Hanley, Javner, Kryzak, Prescott, Roche, Sampson, Sharpe.

Yes, 77; No, 65; Absent, 9; Excused, 0.

77 having voted in the affirmative and 65 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

**HOUSE DIVIDED REPORT** - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-670)** - Committee on **JUDICIARY** on Bill "An Act To Ensure Women Are Informed of Abortion Pill Reversal"

(H.P. 619) (L.D. 851)

Which was **TABLED** by Representative HARNETT of Gardiner pending **ACCEPTANCE** of Either Report.

Representative HARNETT of Gardiner moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

Representative **LIBBY**: Thank you, Mr. Speaker. I rise in opposition to the pending motion. According to the American Medical Association, informed consent to medical treatment is fundamental in both ethics and law. Patients have the right to receive complete information and ask questions about recommended treatments so that they can make well-considered decisions about care. Successful communication in the patient-physician relationship fosters trust and supports shared decision-making. This bill amends the abortion informed consent laws to require the health care professional to tell the pregnant woman that it may be possible to reverse the effects of an abortion-inducing drug with medication and treatment. Some women who take mifepristone, a progesterone receptor antagonist, in order to terminate their pregnancies change their mind and desire to stop the medical abortion process.

Mr. Speaker, opponents to this bill insist that it's impossible and even dangerous to reverse the effects of an abortion-inducing drug. A study published in Issues in Law and Medicine, volume 33, number 1, 2018, says differently. This was an observational case series of 754 patients who decided to attempt to reverse the medical abortion process after taking mifepristone but before taking the second drug in the protocol, misoprostol. The study followed the patients who were given progesterone in an effort to reverse the effects of mifepristone and conducted statistical analyses to determine the efficacies of different protocols compared to a control mifepristone embryo survival rate derived from the literature. The results showed that intramuscular progesterone and high-dose oral progesterone were the most effective, with reversal rates of 64% and 68%, respectively. There was no apparent increased risk of birth defects. The study concluded that the reversal of the effects of mifepristone using progesterone is both safe and effective. Progesterone is a naturally-occurring hormone produced by the corpus luteum and by the placenta and is essential for maintenance of the maternal-fetal interface of pregnancy. It has been used safely in pregnancy for over 50 years. The American Society of Reproductive Medicine states that no long-term risks have been identified when progesterone is used in pregnancy. The FDA has given progesterone a category B rating in pregnancy, in contrast to synthetic progestins. LD 851 will ensure that women have full informed consent when contemplating taking an abortion-inducing drug protocol. Please follow my light and support informed consent.

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. 343**

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

NAY - Arata, Austin, Bernard, Bickford, Blier, Bradstreet, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Harrington, Head, Hutchins, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin J, Martin R, Martin T, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Perry, Pickett, Quint, Rudnicki, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Tuttle, Underwood, Wadsworth, White B, White D.

ABSENT - Cebra, Grignon, Hanley, Javner, Prescott, Roche, Sampson, Sharpe.

Yes, 80; No, 63; Absent, 8; Excused, 0.

80 having voted in the affirmative and 63 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-671)** - Committee on **JUDICIARY** on Bill "An Act To Conform State Funding to the Federal Hyde Amendment Limiting Funding for Some Abortion Services"

(H.P. 671) (L.D. 915)

Which was **TABLED** by Representative HARNETT of Gardiner pending **ACCEPTANCE** of Either Report.

Representative HARNETT of Gardiner moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

Representative LIBBY: Thank you, Mr. Speaker. The Hyde Amendment prohibits federal Medicaid funding for abortions except in cases of life endangerment, rape or incest. This bill repeals the law that funds elective abortions via Maine Care. Let me repeat; this bill does not affect payment for abortions in the case of rape, incest or the health of the mother. This bill seeks to align Maine law once again with federal law. Sixty-two percent of Maine voters, including 60% of Independents, 44% of Democrats, 64% of women and over a third of self-described pro-choice voters oppose taxpayer funding of abortion. When told the Legislature was considering

a bill that would require taxpayer funding of abortion for Medicaid enrollees no matter the reason for the abortion, 62% of voters remained opposed to taxpayer funding of abortion in Maine. Please realign Maine with federal law. Taxpayer dollars should be spent more responsibly.

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. 344**

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

NAY - Alley, Andrews, Arata, Austin, Bernard, Bickford, Blier, Bradstreet, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Harrington, Head, Hutchins, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin J, Martin R, Martin T, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Perry, Pickett, Poirier, Quint, Rudnicki, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Tuttle, Underwood, Wadsworth, White B, White D.

ABSENT - Cebra, Grignon, Hanley, Javner, Prescott, Roche, Sampson, Sharpe.

Yes, 77; No, 66; Absent, 8; Excused, 0.

77 having voted in the affirmative and 66 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-672)** - Committee on **JUDICIARY** on Bill "An Act To Require Certain Medical Providers To Administer Ultrasounds and Provide Information to Certain Pregnant Patients"

(H.P. 900) (L.D. 1229)

Which was **TABLED** by Representative HARNETT of Gardiner pending **ACCEPTANCE** of Either Report.

Representative HARNETT of Gardiner moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

The SPEAKER: The Chair recognizes the Representative from Levant, Representative Griffin.

Representative **GRIFFIN**: Thank you, Mr. Speaker and Ladies and Gentlemen of the House. With any medical procedure, it is important to have all the information in order to make a decision that may have a major impact on your life. Informed consent is providing a person with adequate information, facilitating a person's understanding of the information and giving a person adequate time to ask questions and discuss with family and friends. It gives a person time to make an informed decision. When a woman is pregnant and making a decision about her pregnancy, she should be informed of all her options. This bill would have a health care professional confirm a woman's pregnancy and give her complete information about her health care options with no barriers. The health care professional would offer to perform an obstetric ultrasound and explain the images of her baby to the woman. She has the option to be counseled on all her options, including adoption and parenting. If she chooses to have her baby, she would be given a list of agencies that would support her. She is to be told of the complications with the procedure of an abortion such as abdominal pain, excessive bleeding, cervical tears, difficulty getting pregnant again and post-abortion syndrome. The woman would be given 48 hours to make a decision about her pregnancy. Documentation of the counseling would be signed by the woman stating she received the information about the procedure and her options. Every woman should have the right to make the best decision for her and her unborn baby and with this information she can do just that. Thank you, Mr. Speaker.

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. 345**

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

NAY - Arata, Austin, Bernard, Bickford, Blier, Bradstreet, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Harrington, Head, Hutchins, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin J, Martin R, Martin T, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Pickett, Quint, Rudnicki, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Tuttle, Underwood, Wadsworth, White B, White D.

ABSENT - Cebra, Grignon, Hanley, Javner, Prescott, Roche, Sampson, Sharpe.

Yes, 81; No, 62; Absent, 8; Excused, 0.

81 having voted in the affirmative and 62 voted in the negative, with 8 being absent, and accordingly the Majority

**Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, June 15, 2021, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (S-88)** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Provide Equal Access to the Benefits of the Maine Food Sovereignty Act"

(S.P. 306) (L.D. 954)

- In Senate, Unanimous **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-88)**.

TABLED - May 19, 2021 (Till Later Today) by Representative DUNPHY of Old Town.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-88)** was **READ** by the Clerk.

Representative O'NEIL of Saco **PRESENTED** House **Amendment "A" (H-722)** to **Committee Amendment "A" (S-88)**, which was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (S-88) as Amended by House Amendment "A" (H-722)** thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-88) as Amended by House Amendment "A" (H-722)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act Concerning Informed Consent of Minors' Authority to Release Health Care Information"

(S.P. 487) (L.D. 1510)

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

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

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

Signed:

Senator:

KEIM of Oxford

Representatives:

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

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

**READ.**

Representative HARNETT of Gardiner moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

The SPEAKER: 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. 346**

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

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

ABSENT - Cebra, Grignon, Hanley, Javner, Prescott, Roche, Sampson, Sharpe.

Yes, 82; No, 61; Absent, 8; Excused, 0.

82 having voted in the affirmative and 61 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-323)** on Bill "An Act To Improve Consistency within the Maine Human Rights Act"

(S.P. 544) (L.D. 1688)

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

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

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

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden  
POIRIER of Skowhegan  
THORNE of Carmel

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-323)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-323)** 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-323)** in concurrence.

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

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Improve the Investigation and Prosecution of Cases That Involve Vulnerable Road Users"

(S.P. 208) (L.D. 821)

Signed:

Senators:

DIAMOND of Cumberland  
FARRIN of Somerset

Representatives:

MARTIN of Sinclair  
BRYANT of Windham  
CEBRA of Naples  
MARTIN of Greene  
O'CONNELL of Brewer  
PARRY of Arundel  
PERKINS of Oakland  
WHITE of Mars Hill  
WHITE of Waterville  
WILLIAMS of Bar Harbor

Representatives:

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

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

Signed:

Senator:

KEIM of Oxford

Representatives:

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

**READ.**

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

Representative HAGGAN of Hampden **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 Hampden, Representative Haggan.

Representative **HAGGAN**: Thank you, Mr. Speaker. Technical issues with the bill and significant deployment execution issues which will require a lot of money and additional personal and consulting costs in software/hardware programming costs. The bill purports to assess the extent to which racial and other inappropriate profiling is used in connection with traffic stops. It fails to accomplish this. This bill would require the officer to use their observation and perception to determine race, color, ethnicity and race just by looking at them and that data is not currently captured on the Maine driver's license. Mandating officers to apply their subjective observation to determine the parameters of information called for in this bill will actually force officers to engage in the very practice that this bill hopes to eliminate. This bill is silent on whether commercial motor vehicles that are stopped and truck safety checkpoints should be included in the data collection. This would result in an additional 100,000 documented stops per year that may slant the statistics since these stops are regulatory in nature. The bill is silent on other stops that are made without the standard of reasonable articulable suspicion of a violation occurring. OUI checkpoints, for example. What about stops for suspicious activity, burglary suspects or criminal activity? Should those be included as well? Several agencies, including the Maine State Police do not currently have a database to capture the information contemplated in this bill and there is no statewide centralized repository for said data. This would have to be funded. 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.

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-186)** on same Bill.

Signed:

Senator:

CHIPMAN of Cumberland

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-186) AS AMENDED BY SENATE AMENDMENT "A" (S-296)** thereto.

**READ.**

On motion of Representative MARTIN of Sinclair, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (S-186)** was **READ** by the Clerk.

**Senate Amendment "A" (S-296)** to **Committee Amendment "A" (S-186)** was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (S-186) as Amended by Senate Amendment "A" (S-296)** thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-186) as Amended by Senate Amendment "A" (S-296)** thereto in concurrence.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-705)** on Bill "An Act To Implement the Attorney General's Recommendations on Data Collection in Order To Eliminate Profiling in Maine"

(H.P. 88) (L.D. 132)

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

**ROLL CALL NO. 347**

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

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

ABSENT - Cebra, Grignon, Hanley, Javner, Moriarty, Prescott, Roche, Sampson, Sharpe.

Yes, 82; No, 60; Absent, 9; Excused, 0.

82 having voted in the affirmative and 60 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (H-705)** 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-705)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-702)** on Bill "An Act To Combat the Sexual Exploitation of Minors in Maine" (EMERGENCY)

(H.P. 390) (L.D. 545)

Signed:

Senators:

CARNEY of Cumberland  
KEIM of Oxford  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
POIRIER of Skowhegan  
SHEEHAN of Biddeford

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

Signed:

Representative:

RECKITT of South Portland

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-702)** Report.

**READ.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-702)** 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-702)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-704)** on Bill "An Act To Examine and Amend the Conditions of Release and Probation"

(H.P. 612) (L.D. 844)

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden  
POIRIER of Skowhegan

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-704)** Report.

**READ.**

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

Representative HAGGAN of Hampden **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. 348**

YEA - Alley, Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doore, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Martin T, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

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

ABSENT - Bickford, Cebra, Grignon, Hanley, Javner, Lyford, Paulhus, Prescott, Roche, Sampson, Sharpe, Tucker.  
Yes, 82; No, 57; Absent, 12; Excused, 0.

82 having voted in the affirmative and 57 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-704)** 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-704)** and sent for concurrence.

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Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-703)** on Bill "An Act To Amend the Maine Bail Code Regarding Certain Conditions of Release and the Maine Criminal Code Regarding Warrantless Arrests"

(H.P. 812) (L.D. 1134)

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
MCCREIGHT of Harpswell  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden  
POIRIER of Skowhegan

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-703)** Report.

**READ.**

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

Representative HAGGAN of Hampden **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. 349**

YEA - Alley, Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doore, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Martin T, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

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

ABSENT - Bickford, Cebra, Grignon, Hanley, Javner, Lyford, Paulhus, Prescott, Roche, Sampson, Sharpe, Tucker.  
Yes, 82; No, 57; Absent, 12; Excused, 0.

82 having voted in the affirmative and 57 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-703)** 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-703)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-701)** on Resolve, Directing the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations To Examine Restorative Justice

(H.P. 897) (L.D. 1226)

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

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

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

Signed:

Senator:

KEIM of Oxford

Representatives:

LIBBY of Auburn  
POIRIER of Skowhegan  
THORNE of Carmel

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-701)** Report.

**READ.**

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

The Resolve was **READ ONCE. Committee Amendment "A" (H-701)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-701)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-706)** on Bill "An Act To Provide Funding for the Maine Civil Legal Services Fund"

(H.P. 978) (L.D. 1326)

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

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

SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

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

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-706)** Report.

**READ.**

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

Representative HAGGAN of Hampden **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. 350**

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

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

ABSENT - Bickford, Cebra, Grignon, Hanley, Javner, Paulhus, Prescott, Roche, Sampson, Sharpe, Tucker.

Yes, 81; No, 59; Absent, 11; Excused, 0.

81 having voted in the affirmative and 59 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (H-706)** 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-706)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Require Due Process in Asset Seizure"

(H.P. 1002) (L.D. 1368)

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-685)** on same Bill.

Signed:

Senator:

KEIM of Oxford

Representatives:

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

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (H-685)** Report.

**READ.**

Representative HARNETT of Gardiner moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

Representative **ANDREWS**: Thank you, Mr. Speaker. I rise in opposition to the pending motion. LD 1368 is a bill that seeks to help the average Mainer who may face a complex and expensive process of civil asset forfeiture. This bill would exempt U.S. currency with a total value of less than \$100 and motor vehicles with a fair market value of \$1,000 or less from asset forfeiture under the Maine Revised Statutes. This bill helps poor people and their families who might find themselves facing charges. Property owners will rationally walk away from a seizure of \$99 in currency or \$999 worth of a vehicle because of the excessively high cost of getting it back. No one is going to hire a lawyer for \$3,000 to try to get back a vehicle worth a

thousand, even if the property owner is innocent. They may be innocent, but the property is still gone. Even if they are found guilty, a car worth \$999 might be worth nothing to some but it could be everything to a spouse who has to get to work and drop the kids off at school. Why should they have the family car seized forever for the sins of a single family member? I would ask you to please follow my light. Thank you, Mr. Speaker.

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. 351**

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

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

ABSENT - Bickford, Cebra, Grignon, Hanley, Javner, McDonald, Paulhus, Prescott, Roche, Sampson, Sharpe, Tucker.

Yes, 75; No, 64; Absent, 12; Excused, 0.

75 having voted in the affirmative and 64 voted in the negative, with 12 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass** on Bill "An Act To Increase Protections for Option Contracts for the Purchase of Real Property or Rent-to-own Real Property"

(H.P. 1014) (L.D. 1380)

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

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



Signed:  
Senator: KEIM of Oxford

Representative:  
POIRIER of Skowhegan

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

**READ.**

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

Representative HAGGAN of Hampden **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 New Gloucester, Representative Arata.

Representative **ARATA**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This bill is about five pages long and it has some really good protections for rent-to-own contracts. Some of this is needed. Lease option purchases help those who are poor or who have low credit scores to become homeowners. So, this is a really good thing. However, this bill has some problems such as a low limit on the down payment and it requires many owners to go through the very difficult and expensive foreclosure process if the tenant buyer doesn't pay rent. So, as a result, very few investors are going to want to offer lease options or rent-to-own situations and that's going to hurt the very people that we're trying to help. Also, you know, if we had more time to work through this bill, we would've been able to solve some of the deficiencies in it. One example is that this bill doesn't recommend or require a title search or title insurance or any disclosures of property title defects and that's a real problem especially for unsophisticated buyers who don't have any help from a real estate agent and might not be aware of these important issues. So, for that reason, I'm asking you to vote against the pending motion so that we can work on something better. Thank you.

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

**ROLL CALL NO. 352**

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

NAY - Andrews, Arata, Austin, Bernard, Bickford, Blier, Bradstreet, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Harrington, Head, Hepler, Hutchins, Hymanson, Johansen, Kinney, Kryzak, Landry, Lemelin, Libby, Lyford, Lyman, Martin,

Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Pickett, Poirier, Quint, Rudnicki, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Cebra, Grignon, Hanley, Javner, Paulhus, Prescott, Roche, Sampson, Sharpe, Tucker.

Yes, 79; No, 62; Absent, 10; Excused, 0.

79 having voted in the affirmative and 62 voted in the negative, with 10 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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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-709)** on Bill "An Act To Provide for Remote Notarization" (H.P. 1033) (L.D. 1399)

Signed:  
Senators: CARNEY of Cumberland  
KEIM of Oxford  
SANBORN of Cumberland

Representatives:  
HARNETT of Gardiner  
BABBIDGE of Kennebunk  
EVANGELOS of Friendship  
HAGGAN of Hampden  
MORIARTY of Cumberland  
POIRIER of Skowhegan  
RECKITT of South Portland  
SHEEHAN of Biddeford  
THORNE of Carmel

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

Signed:  
Representative:  
LIBBY of Auburn

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-709)** Report.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-709)** 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-709)** and sent for concurrence.

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Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Improve Accountability in Asset Seizure and Forfeiture Reporting"

(H.P. 1109) (L.D. 1499)

Signed:

Senators:

CARNEY of Cumberland  
KEIM of Oxford  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
HAGGAN of Hampden  
MORIARTY of Cumberland  
POIRIER of Skowhegan  
RECKITT of South Portland  
SHEEHAN of Biddeford  
THORNE of Carmel

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-710)** on same Bill.

Signed:

Representatives:

EVANGELOS of Friendship  
LIBBY of Auburn

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

**READ.**

Representative HARNETT of Gardiner moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

Representative **ANDREWS**: Thank you, Mr. Speaker.

The Institute for Justice is a nonpartisan and self-described national law firm for liberty that gives Maine an overall D grade for forfeiture transparency and accountability, yet another D in tracking seized property, an F for accounting of forfeiture fund spending, an F in statewide forfeiture reporting, a D for accessibility and transparency and a final F for financial audits of forfeiture accounts. While Maine does have a Statute in place to provide transparency and accountability of civil asset forfeiture, the laws clearly aren't being followed. We can do better. We must do better. LD 1499 type legislation has been fully adopted in Alabama, Arizona, Colorado, Kansas and New Jersey. It's legislation that has been partially adopted in Illinois, Iowa, Nevada, North Dakota, Pennsylvania, Utah and West Virginia. In fact, Delaware, Florida, Georgia, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Mexico, New York, Tennessee and Virginia have instituted new reporting requirements for seizure and forfeiture over the last seven years. That's 25 states. That represents half of the entire State governments in this country. And that is a list made up of red states, blue states and everywhere in between. Reforming

requirements for accountability in asset seizure and forfeiture reporting for the 21st century is officially a national movement and it's time that Maine join that list to protect our citizens' rights and their private property. Please follow my light. Thank you, Mr. Speaker.

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. 353**

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

NAY - Andrews, Arata, Austin, Bernard, Bickford, Blier, Bradstreet, Carmichael, Collamore, Connor, Costain, Dolloff, Downes, Drinkwater, Ducharme, Evangelos, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Harrington, Hutchins, Johansen, Lemelin, Libby, Lyford, Martin, Mason, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Pickett, Pluecker, Poirier, Quint, Riseman, Rudnicki, Skolfield, Stanley, Stearns, Stetkis, Thorne, Underwood, Wadsworth, Warren, White.

ABSENT - Cebra, Grignon, Hanley, Javner, Paulhus, Prescott, Roche, Sampson, Sharpe, Tucker.

Yes, 87; No, 54; Absent, 10; Excused, 0.

87 having voted in the affirmative and 54 voted in the negative, with 10 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Strengthen Protections against Civil Asset Forfeiture"

(H.P. 1125) (L.D. 1521)

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-711)** on same Bill.

Signed:

Senator:

KEIM of Oxford

Representatives:

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

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (H-711)** Report.

**READ.**

Representative HARNETT of Gardiner moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

Representative **FAULKINGHAM**: Thank you, Mr. Speaker and good morning, Mr. Speaker and Ladies and Gentlemen of the House. The 16th has turned into the 17th, but we're all here in good spirits, so, I'll try to keep us that way and get through this fairly quickly. Mr. Speaker, this bill is a nonpartisan justice bill. To illustrate this fact, it was co-sponsored by three political parties. This bill requires that property be forfeited under the criminal forfeiture laws, the owner of the property be convicted of crime in which the property was involved. It's a simple concept. You don't lose your property unless it was used in the commission of a crime or knowingly allowed someone else to use it in the commission of a crime. You shouldn't lose your truck because your brother borrowed it and did a drug deal against your knowledge and Granny shouldn't lose her house because little Johnny was peddling crack out the basement door. The Fifth Amendment says no person shall be held for a capital or otherwise infamous crime unless on presentment or indictment of a grand jury. It goes on to say nor be deprived of life, liberty, or property without due process of the law, nor shall private property be taken for public use without just compensation. The Assistant Attorney General testified at the work session that his office practices this type of seizure currently and that if we adapt this law, it will simply put into Statute the current practices by that office. But it is important, Mr. Speaker. We shouldn't leave this critical important law to justice up to the honor system. We should put this into Statute where it belongs. If the District Attorneys aren't getting criminal convictions or seeking ones pertaining to property taken into their possession, then it needs to be returned. It's that simple. It's time to end this workaround that makes people prove innocence rather than prosecutors prove guilt. This is one of the founding principles of our country. Please vote against the pending motion.

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

Representative **WARREN**: Thank you, Mr. Speaker. I'll just underscore what my friend from Winter Harbor said. This is government taking property from people that have not been convicted of a crime. 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. 354**

**YEA** - Alley, Babbidge, Bailey, Caiazzo, Cardone, Hasenfus, Martin, Moriarty, Perry, Tuell, Mr. Speaker.

**NAY** - Andrews, Arata, Arford, Austin, Bell, Bernard, Berry, Bickford, Blier, Blume, Bradstreet, Brennan, Brooks, Bryant, Carlow, Carmichael, Cloutier, Collamore, Collings, Connor, Copeland, Corey, Costain, Crafts, Craven, Crockett, Cuddy, Dillingham, Dodge, Dolloff, Doore, Doudera, Downes, Drinkwater, Ducharme, Dunphy, Evangelos, Evans, Faulkingham, Fay, Fecteau, Foster, Geiger, Gere, Gifford, Gramlich, Greenwood, Griffin, Grohoski, Haggan, Hall, Harnett, Harrington, Head, Hepler, Hutchins, Hymanson, Johansen, Kinney, Kryzak, Landry, Lemelin, Libby, Lookner, Lyford, Lyman, Madigan, Martin J, Martin T, Mason, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett H, Millett R, Morales, Morris, Nadeau, Newman, O'Connell, O'Connor, O'Neil, Ordway, Osher, Parry, Pebworth, Perkins, Perry, Pickett, Pierce, Pluecker, Poirier, Quint, Reckitt, Rielly, Riseman, Roberts, Roeder, Rudnicki, Sachs, Salisbury, Sheehan, Skolfield, Stanley, Stearns, Stetkis, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Thorne, Tuttle, Underwood, Wadsworth, Warren C, Warren S, White B, White D, Williams, Wood, Zager, Zeigler.

**ABSENT** - Cebra, Grignon, Hanley, Javner, Kessler, Paulhus, Prescott, Roche, Sampson, Sharpe, Tucker.

Yes, 11; No, 129; Absent, 11; Excused, 0.

11 having voted in the affirmative and 129 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative HARNETT of Gardiner, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-711)** 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-711)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-691)** on Bill "An Act To Limit Access to Juvenile Case Records and Protect the Confidentiality of Juvenile History Record Information"

(H.P. 1247) (L.D. 1676)

Signed:

Senators:

CARNEY of Cumberland  
 KEIM of Oxford  
 SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
 BABBIDGE of Kennebunk  
 CARDONE of Bangor  
 EVANGELOS of Friendship  
 McCREIGHT of Harpswell  
 MORIARTY of Cumberland  
 RECKITT of South Portland  
 SHEEHAN of Biddeford

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

Signed:

Representatives:

HAGGAN of Hampden  
POIRIER of Skowhegan

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-691)** Report.

**READ.**

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

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

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

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

**ROLL CALL NO. 355**

YEA - Alley, Arford, Babbidge, Bailey, Bell, Berry, Bickford, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doore, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenus, Hepler, Hymanson, Landry, Lookner, Madigan, Martin J, Martin R, Martin T, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Terry, Tuttle, Warren, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

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

ABSENT - Cebra, Grignon, Hanley, Javner, Kessler, Paulhus, Prescott, Roche, Sampson, Sharpe, Tepler, Tucker.

Yes, 80; No, 59; Absent, 12; Excused, 0.

80 having voted in the affirmative and 59 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (H-691)** 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-691)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-692)** on Bill "An Act To Protect the Constitutional Rights of Indigent Defendants"

(H.P. 1254) (L.D. 1685)

Signed:

Senators:

KEIM of Oxford  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
HAGGAN of Hampden  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
POIRIER of Skowhegan  
RECKITT of South Portland  
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-693)** on same Bill.

Signed:

Senator:

CARNEY of Cumberland

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-692)** Report.

**READ.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-692)** 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-692)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-700)** on Bill "An Act To Implement a Geographically Limited Public Defender Office"

(H.P. 1255) (L.D. 1686)

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
RECKITT of South Portland

SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden

POIRIER of Skowhegan

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-700)** Report.

**READ.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-700)** 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-700)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-707)** on Bill "An Act To Improve the Provision of Indigent Legal Services" (EMERGENCY)

(H.P. 1256) (L.D. 1687)

Signed:

Senators:

CARNEY of Cumberland

KEIM of Oxford

SANBORN of Cumberland

Representatives:

HARNETT of Gardiner

BABBIDGE of Kennebunk

CARDONE of Bangor

HAGGAN of Hampden

McCREIGHT of Harpswell

MORIARTY of Cumberland

POIRIER of Skowhegan

RECKITT of South Portland

SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-708)** on same Bill.

Signed:

Representative:

EVANGELOS of Friendship

**READ.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-707)** 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-707)** and sent for concurrence.

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

Majority Report of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-694)** on Bill "An Act To Create the Maine Health Care Provider Loan Repayment Program"

(H.P. 979) (L.D. 1327)

Signed:

Senators:

CURRY of Waldo

LUCHINI of Hancock

Representatives:

ROBERTS of South Berwick

BAILEY of Gorham

GEIGER of Rockland

HASENFUS of Readfield

PEBworth of Blue Hill

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

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

AUSTIN of Gray

BERNARD of Caribou

COLLAMORE of Pittsfield

DUCHARME of Madison

**READ.**

On motion of Representative ROBERTS of South Berwick, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (H-694)** was **READ** by the Clerk.

Representative BAILEY of Gorham **PRESENTED House Amendment "A" (H-725) to Committee Amendment "A" (H-694)**, which was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (H-694) as Amended by House Amendment "A" (H-725)** thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-694) as Amended by House Amendment "A" (H-725)** thereto and sent for concurrence.

Majority Report of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-712)** on Bill "An Act To Establish the Maine Youth Impact Commission"

(H.P. 1107) (L.D. 1497)

Signed:

Senators:

CURRY of Waldo  
LUCINI of Hancock

Representatives:

ROBERTS of South Berwick  
BAILEY of Gorham  
COLLAMORE of Pittsfield  
GEIGER of Rockland  
HASENFUS of Readfield  
PEBORTH of Blue Hill

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

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

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

**READ.**

On motion of Representative ROBERTS of South Berwick, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-712)** 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-712)** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-699)** on Bill "An Act To Require County Governments To Coordinate with Municipalities To Create Plans To Address Homelessness"

(H.P. 956) (L.D. 1300)

Signed:

Senators:

BALDACCI of Penobscot  
CLAXTON of Androscoggin  
ROSEN of Hancock

Representatives:

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

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

Signed:

Representatives:

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

**READ.**

Representative MATLACK of St. George moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **TUELL**: Thank you, Mr. Speaker. I wish to pose a question through the Chair.

The SPEAKER: The Member may proceed.

Representative **TUELL**: Could someone refresh my memory as to whether this is a mandate or not?

The SPEAKER: The Representative from East Machias, Representative Tuell has posed a question to any Member who may care to respond. The Chair recognizes the Representative from St. George, Representative Matlack.

Representative **MATLACK**: No, sir. This is not a mandate. This will be going to the Appropriations Table.

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

Representative **BICKFORD**: Thank you, Mr. Speaker. According to the fiscal impact statement, it says local cost is moderate statewide. To me, that would be a mandate, Mr. Speaker.

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

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

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

**ROLL CALL NO. 356**

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

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

ABSENT - Cebra, Craven, Cuddy, Grignon, Haggan, Hanley, Javner, Kessler, Paulhus, Perry, Prescott, Roche, Rudnicki, Sampson, Sharpe, Tucker.

Yes, 76; No, 59; Absent, 16; Excused, 0.

76 having voted in the affirmative and 59 voted in the negative, with 16 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-699)** 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-699)** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-713)** on Bill "An Act To Create Gaming Equity and Fairness for the Native American Tribes in Maine"

(H.P. 399) (L.D. 554)

Signed:

Senators:

LUCHINI of Hancock  
HICKMAN of Kennebec

Representatives:

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

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

Signed:

Senator:

FARRIN of Somerset

Representatives:

DOLLOFF of Milton Township  
HARRINGTON of Sanford  
KINNEY of Knox

**READ.**

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

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

Representative **NEWELL**: Thank you, Mr. Speaker. Mr. Speaker, Honorable Members of the House, I signed on as a co-sponsor of LD 554, "An Act To Create Gaming Equity and Fairness for the Native American Tribes in Maine". As the title suggests, this legislation is in large part about equity and fairness. While the focus of this bill is gaming, this is a small piece of the puzzle for the tribes in Maine, with the overarching goal of creating stronger sovereigns that can better provide for their people and make stronger partners for local and State government. Mr. Speaker and Members of the House, today I

am honored to follow in the footsteps of my great-great-grandfather, Louis Mitchell, a Passamaquoddy leader who addressed this Legislature in 1887. While more than a century has passed, our tribe faces similar circumstances yet today. Tribal Representative Louis Mitchell highlighted a litany of broken treaties and promises that resulted in my people living in poverty-ridden communities. Today, tribal citizens in Maine and the Passamaquoddy tribe, in particular, continue to deal with poverty, public health problems, lower attainment of higher education and face other socioeconomic issues at a significantly higher rate than any other demographic in our State.

Our ancestors watched from inside the bounds of our reservation as nontribal members got rich from cutting down our trees on our land, leaving us with little. Today, we watch the operation of commercial casinos in Maine that send millions of dollars to investors in other states with minimal benefits for Maine's citizens. This is happening while tribal nations in Maine, unlike all other federally-recognized tribes across this country, do not have the opportunity to truly engage in governmental gaming operations. This is despite the fact that by federal law those gaming revenues would be required to remain in the State. A tribal gaming operation would not only create revenues for the tribe to care for its members but it would bolster economic development in the surrounding communities and our State as a whole. This is what this bill will address.

Mr. Speaker and Members of the House, it is important to understand the broader context for this bill. The tribes and their chiefs were invited by the Legislature's leadership in 2019 to begin a process to reckoning changes to the Maine Settlement Act that would make the tribes more equal to other federally-recognized tribes across the United States. This process has been ongoing since the legislative resolve was issued in June of 2019. One of those rights the tribes have elsewhere in the United States is the right to conduct gaming under federal law. The Indian Gaming Regulatory Act, or IGRA, was reviewed, discussed and approved by a bipartisan group of legislators in both the taskforce and the Veterans and Legal Affairs Committee. The tribes are continuing to push for broader restoration and recognition of our inherent tribal sovereignty but due to procedural happenstance, the omnibus legislation will not be taken up until next session. While the overall thrust of this effort is not about gaming, this piece was intentionally split off because of the way the other tribal bills were moving and that is why we have a tribal gaming bill ready for a vote this session, separate and apart from the other tribal bills.

Mr. Speaker and Members of the House, I want you to know that in other states like Oklahoma, Florida and Connecticut, tribal governments are seen as economic leaders. Tribes with gaming operations have contributed billions of dollars to State and local governments. There is a significant amount of data and documentation around this. In Connecticut, a State that has had tribal gaming since the 1990s, State Representatives prefer that casinos are tribally owned. This is because of the enormous amount of funds that have been shared with the State over the past decades. The relationship between the State of Connecticut and the tribes continue to evolve and to modernize to make sure gaming is being conducted in the best possible way. Tribal gaming revenues create a rising tide that elevates public health and safety standards more broadly. LD 554 would create a framework to ensure that similar economic benefits can flow from the sovereign indigenous tribes to the State and its municipalities. This will not be a new framework to the contrary. Tribal gaming would be implemented pursuant to federal law, IGRA, which we

are seeking to implement in Maine. Gaming facilities would operate under the jurisdiction of federally regulatory bodies and the laws and regulations that have been in existence since 1988, when IGRA was enacted. This is a well-tested model that without a doubt has been incredibly successful across the country. Furthermore, in addition to incorporating the well-established federal regulatory rules for tribal gaming, the bill ensures that the State public safety laws would create the baseline for regulating in those relevant areas. While tribal governments may operate under their own ordinances, their standards must be no less rigorous than existing State standards. If the tribes do not choose to regulate in those areas, then State law automatically applies until the tribe adopts an ordinance with equally rigorous measures. Maine is one of the very few states that has historically chosen to prohibit tribal gaming. Even northeastern states like Connecticut and Massachusetts support tribal gaming and have seen successes as a result. This legislative effort as well as others seeks to help Maine catch up with the other states with respect to recognizing tribal sovereignty and to maximize the potential economic benefits for everyone in the State, tribal member or not.

It is critical to understand the differences between the existing commercial casinos in our State and a tribal gaming operation in order to see why this bill will benefit all Maine constituents. Under federal law, tribes must be the sole owner and primary beneficiary of tribal gaming operations. This necessarily means that revenues generated through tribal gaming operations remain in our State. If we had more money in federal appropriations to support tribal governmental operations, that would be helpful. But we do not have a way to access more funds. Establishing gaming operations is one way to help close that gap. This will allow the Wabanaki tribal nations to provide better services and share funds as well as resources with State and local governments. Lastly, Mr. Speaker and Members of the House, I will say that the Indian Gaming Regulatory Act requires a good faith approach by the State to negotiate tribal gaming arrangements. The tribal nations hope and expect that if this legislation passes, that good faith practice will be exercised. This legislation does not compel the creation of tribal gaming operations. If the law is enacted, you will not see casinos popping up on tribal lands the following day. There is a process that will still need to be undertaken at the tribal, federal and State level in order for any of this to move forward. What is being voted on will simply create a path forward, where the legislative record can show the insurmountable roadblocks that have existed in the past. I hope you will all vote for equity and fairness in supporting LD 554. Our ancestors are watching. *Chi-woliwon*, Mr. Speaker and Honorable Members of this House.

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

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

The SPEAKER: The Member may proceed.

Representative **BICKFORD**: Can someone explain what tribal trust land is? Does it belong to specific areas in the State? Is there a size limit? And if there is no size limit and it doesn't pertain to specific areas of the State, if one of the tribes happens to buy a piece of land in South Portland that's 2 acres in size or less and decides that they're going to make that a trust land, could they theoretically build a casino anywhere in the State they want based on trust land that they may buy in the future? Thank you, Mr. Speaker.

The SPEAKER: The Representative from Auburn, Representative Bickford has posed a question to any Member who may care to respond. The Chair recognizes the Representative from Portland, Representative Collings.

Representative **COLLINGS**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. To answer the question from the Good Representative from Auburn, Representative Bickford; no, a federally recognized tribe here can't just go out tomorrow and buy land and have it go into trust. It's a long process, it's not easy and I know of very few cases in recent history in this country where the Department of the Interior has just gone to some other city outside of a place where tribes live and put it into trust for the purpose of gaming. So, that is highly unlikely and I have not seen that happen. Thank you.

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

Representative **JOHANSEN**: Thank you, Mr. Speaker. I rise in favor of this proposition today, that they be allowed to build a casino on their tribal lands. I've got many of the tribal activities in my area, they've been very good neighbors and I've heard no opposition from anybody in the community to this. So, I'm asking you to support this and give them a chance to help themselves.

Representative **KINNEY** of Knox **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 Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have the greatest respect for the Representative from the Passamaquoddy tribe, but I rise in opposition to this bill and so, those words may sound hollow, but they are not. It is not my choice to be forced to address this important legislation on what was to be our last day of the session at quarter of two in the morning. To me, this is a bad idea. If a bad idea is proposed by good people, it's still a bad idea. I hope my opposition to the gambling industry being in Maine and expanding in Maine is not construed by you my colleagues or our vast YouTube audience that I have anything but good wishes for Maine's tribal citizens. To the contrary, I've spent a professional lifetime teaching about cultural conflict, western imperialism and the injustices suffered by our indigenous peoples throughout the American story. This bill grants tribal sovereignty regarding casinos. I have said in the past I support tribal sovereignty. I support the UN's human rights charter calling for self-determination of indigenous peoples. I celebrated the expansion of tribal sovereignty when our judiciary committee passed our Violence Against Women Act in the 129th. My Minority Report on the 129th's omnibus tribal sovereignty bill, LD 2094, supported territorial expansion and judicial independence. We, in the 130th, expanded tribal sovereignty this session regarding juvenile justice. I don't know if that's all the way through yet, in all these areas I support surrendering State authority for the benefit of the tribes. But I have major reservations about expanding tribal sovereignty in the areas of gaming and mining. My fear, my worst-case scenario, is that the bill before us allows big out-of-state casino operators to carve up Maine into gambling fiefdoms on Indian-purchased land across the State for which the State of Maine will have no authority to protect itself.

There is a history here. The 1980 Settlement Act, of course, was a gigantic change in tribal relations in the country.



There was actually a page in a history book that I was teaching out of dedicated to the Maine Indian Land Claims Act because of its innovation, you might say, or maybe a threshold in changing relations. That 1980 act ended with the federal government, the State and the tribes negotiating an \$81.5 million payment, about \$274 million today, to be divided up three ways; a third into a trust, a third going to the Penobscot Nation to buy 150,000 acres and a third going to the Passamaquoddy Tribe to buy 150,000 acres. Those acres were designated through negotiation. So, in response to the Good Representative from Auburn's question about what lands, the Indian Land Claims Act did designate certain lands that would be put into trust but it is also possible through a long process, admittedly, as the Representative from Portland admits, that additional lands could be bought and put into trust but there is a process for that. In 1988, the Good Representative from the Passamaquoddy tribe mentioned that the Indian Gaming Regulatory Act was passed and that act came as a result of a Supreme Court decision and it specified something. It said that states don't have to approve Indian gaming unless they have already approved casinos to exist in their State. That sounds fair.

The SPEAKER: The Member will defer. The Chair will remind the Member to address his comments through the Chair. The Member may proceed.

Representative **BABBIDGE**: Thank you, Mr. Speaker and I apologize. So, Mr. Speaker, the Indian Gaming Regulatory Act set some guidelines that all the country has to adhere to. Maine's history has many requests by the tribes to have permission to do gaming, which were refused. In 2003, there was an attempt to have a casino in York County. My memory wasn't even that it was an Indian casino but certainly the casino proposition which went to referendum statewide was a big issue in my area. It was defeated, but a secondary question on that referendum slot of questions was should a license for slots be allowed at a harness racing track. And everyone knew that was designed to go to Scarborough Downs. And, in my opinion, Maine voters said you know, we rejected the casino, but who cares about the sequestered campus of Scarborough Downs in the woods at a harness racing track, that sounds like a part B, less dangerous scenario. So, it did pass with more than 50% of the vote. Because of IGRA, Maine voters may or may not have known this, I certainly didn't know it, but because we made Maine a slots State in 2003, slots and gaming make up class 3 casinos and therefore, we became a gaming State with that vote in 2003. We made it official in 2009 when 50.4% of the voters decided to approve an Oxford Casino with 49.6 opposed. But so we have now two casinos. Of course, Scarborough rejected the casino and Bangor said we have a raceway and Hollywood Slots was born.

Representative **HARRINGTON**: Mr. Speaker, Point of Order.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Harrington and inquires to his Point of Order.

Representative **HARRINGTON**: I'm really questioning if whether or not a history lesson of Maine gaming is germane to this particular bill.

On **POINT OF ORDER**, Representative HARRINGTON of Sanford asked the Chair if the remarks of Representative BABBIDGE of Kennebunk were germane to the pending question.

The SPEAKER: The Chair would inform the Body that the question before us is expanding gaming. I would rule that any

comments related to gaming in the State of Maine would be relevant to this topic at hand. However, the Chair will remind the Member once again to address his comments through the Chair.

The Chair reminded Representative BABBIDGE of Kennebunk to stay as close as possible to the pending question.

The SPEAKER: The Member may proceed.

Representative **BABBIDGE**: So, we have the State of Maine become a gaming State and subject to the Indian Gaming Regulatory Act of 1988, which means that should we relinquish our authority as was part of the treaty, the Settlement Act of 1980, then there is a blanket permission slip for tribes to have casinos, plural, in the State of Maine. The one thing about a class 1 and class 2 are automatic, class 3 there does have to be negotiation with the government. And that sounds like a safety net but because of IGRA, any federal guideline, the deferred position is in favor of the tribe. So, it really is a surrendered State authority should we decide to do this. Of the United States, 500-plus tribes federally recognized, 43% of them have casinos. Maine has two casinos, neither of them tribal. One of them disburses net income, a percentage of net income to the tribes, it amounts to seven figures divided between the Passamaquoddy and Penobscot. I sponsored a bill to increase that amount and have it be from both casinos to benefit the tribes, but the tribes were not in favor of that proposal. That proposal would've been money to the tribes until a third casino was built.

Okay, I'm going to finish up. It's late in the morning and I just needed to share this information with you so that we go forward with our eyes open. LD 554 as amended is a 30-page bill that was reported out of VLA committee on June 16th, that's today. The other side of the aisle, I don't know how long you've had to discuss it, we Democrats caucused this bill in all of about three minutes at the very end of our long evening caucus today. We owe our constituents and all people of Maine, now and generations to come, Mr. Speaker, to understand this bill. This Legislature has the sole authority to pass, which once passed cannot be undone by any future Legislature. We have a rule here usually, we can't tie the hands of a future Legislature. With regard to sovereignty, once we give it up, we cannot unilaterally get it back. Before we take this action, we should fully understand the pros and cons for the bill for our tribal Maine citizens and for the nontribal citizens of Maine. Understanding the full picture is our responsibility. It is my hope, Mr. Speaker, that this 30-page bill be deliberated fully by this Body in the interests of good responsible government. And I would hope that this bill would be carried over and, to that end, I move to commit this bill back to the committee of jurisdiction of Veterans and Legal Affairs. Thank you, Mr. Speaker.

Representative BABBIDGE of Kennebunk moved that the Bill and all accompanying papers be **COMMITTED** to the Committee on **Veterans and Legal Affairs**.

Representative DUNPHY of Old Town **REQUESTED** a roll call on the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **Veterans and Legal Affairs**.

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 the Passamaquoddy Tribe, Representative Newell.

Representative **NEWELL**: Thank you, Mr. Speaker. If I may provide a response to the comments that were just presented to this Body. I would submit for your consideration the testimony that was provided to the Veteran and Legal Affairs Committee. The Legislative record that I stated in the comments would show activity since 1993. In the testimony provided to the

Veterans and Legal Affairs Committee from me personally, there is a link that I requested from the legal and law library, the legislative history around gaming. I would also say that in relation to the subject of the Indian Gaming Regulatory Act, as I mentioned in my comments, there was a significant amount of discussion and review –

Representative **DILLINGHAM**: Point of Order.

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

Representative **DILLINGHAM**: Please advise that we should be talking about the motion before us which is recommit.

On **POINT OF ORDER**, Representative DILLINGHAM of Oxford asked the Chair if the remarks of Representative NEWELL of the Passamaquoddy Tribe were germane to the pending question.

The **SPEAKER**: The Chair would advise the Member that the question before us is recommitting this item back to the committee of jurisdiction. The Member may proceed should she conclude her remarks by indicating why recommitting is or is not the right move.

The Chair reminded Representative NEWELL of the Passamaquoddy Tribe to stay as close as possible to the pending question.

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

Representative **NEWELL**: I would not support the recommitment to the VLA committee. As I was about to state, the Veterans and Legal Affairs Committee as well as the taskforce established by leadership discussed IGRA at the taskforce level, the Indian Gaming Regulatory Act was discussed within the taskforce and it was discussed again within the Veterans and Legal Affairs Committee. I think that is all that I wish to state at this time, Mr. Speaker. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Commit the Bill and all accompanying papers to the Committee on Veterans and Legal Affairs. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 357**

**YEA** - Andrews, Arata, Austin, Babbidge, Bernard, Bickford, Blier, Bradstreet, Cardone, Carlow, Carmichael, Connor, Dillingham, Downes, Gifford, Griffin, Head, Hutchins, Hymanson, Kinney, Kryzak, Lemelin, Libby, Lyman, Morris, Parry, Perkins, Poirier, Skolfield, Tuell, Wadsworth.

**NAY** - Alley, Arford, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cloutier, Collamore, Collings, Copeland, Corey, Costain, Crafts, Crockett, Cuddy, Dodge, Dolloff, Doore, Doudera, Drinkwater, Ducharme, Dunphy, Evangelos, Evans, Faulkingham, Fay, Fecteau, Foster, Gere, Gramlich, Greenwood, Grohoski, Hall, Harnett, Harrington, Hasenfus, Hepler, Johansen, Kessler, Landry, Lookner, Lyford, Madigan, Martin J, Martin R, Martin T, Mason, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett H, Millett R, Morales, Moriarty, Nadeau, Newman, O'Connell, O'Connor, O'Neil, Ordway, Osher, Pebworth, Perry, Pickett, Pierce, Pluecker, Quint, Reckitt, Rielly, Riseman, Roberts, Roeder, Rudnicki, Sachs, Salisbury, Sheehan, Stanley, Stearns, Stetkis, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Thorne, Tuttle, Underwood, Warren C, Warren S, White B, White D, Williams, Wood, Zager, Zeigler, Mr. Speaker.

**ABSENT** - Cebra, Craven, Geiger, Grignon, Haggan, Hanley, Javner, Paulhus, Perry, Prescott, Roche, Sampson, Sharpe, Tucker.

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

31 having voted in the affirmative and 106 voted in the negative, with 14 being absent, and accordingly the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **Veterans and Legal Affairs FAILED**.

The **SPEAKER**: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: I just want to make a couple points. I'm the only person in this Body who was present during the deliberations when we did the lands claim case. This bill works in solving the direction that we had taken at that time. The Veterans and Legal Affairs Committee, having seen the bill, read most of it, especially the last portion of it, they satisfied, I believe, the conditions that were laid out at that time. I support the legislation that's being proposed.

The **SPEAKER**: A roll call having previously 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. 358**

**YEA** - Alley, Arford, Bailey, Bell, Bernard, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cloutier, Collamore, Collings, Copeland, Corey, Costain, Crafts, Crockett, Cuddy, Dodge, Doore, Doudera, Drinkwater, Dunphy, Evangelos, Evans, Faulkingham, Fay, Fecteau, Gere, Gramlich, Grohoski, Hall, Harnett, Hasenfus, Hepler, Hutchins, Johansen, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Martin T, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett H, Millett R, Morales, Moriarty, Nadeau, Newman, O'Connell, O'Connor, O'Neil, Ordway, Osher, Pebworth, Perry, Pierce, Pluecker, Quint, Reckitt, Rielly, Riseman, Roberts, Roeder, Rudnicki, Sachs, Salisbury, Sheehan, Skolfield, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Thorne, Tuttle, Underwood, Warren C, Warren S, White B, White D, Williams, Wood, Zager, Zeigler, Mr. Speaker.

**NAY** - Andrews, Arata, Austin, Babbidge, Bickford, Blier, Bradstreet, Cardone, Carlow, Carmichael, Connor, Dillingham, Dolloff, Downes, Ducharme, Foster, Gifford, Greenwood, Griffin, Harrington, Head, Hymanson, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Mason, Morris, Parry, Perkins, Pickett, Poirier, Stanley, Stearns, Stetkis, Theriault, Tuell, Wadsworth.

**ABSENT** - Cebra, Craven, Geiger, Grignon, Haggan, Hanley, Javner, Paulhus, Perry, Prescott, Roche, Sampson, Sharpe, Tucker.

Yes, 97; No, 40; Absent, 14; Excused, 0.

97 having voted in the affirmative and 40 voted in the negative, with 14 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-713)** 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-713)** and sent for concurrence.

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

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**BILLS RECALLED FROM GOVERNOR**

(Pursuant to Joint Order - House Paper 1287)

Resolve, To Create the Working Group To Design Jail Resource Navigator Services for Maine County Jails (H.P. 747) (L.D. 1009) (C. "A" H-218)

- In House, **FINALLY PASSED** on June 7, 2021.

- In Senate, **FINALLY PASSED** on June 8, 2021.

On motion of Representative MADIGAN of Waterville, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolve was **FINALLY PASSED**.

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 the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-218)**.

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" (H-218)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-667) to Committee Amendment "A" (H-218)** which was **READ** by the Clerk.

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

Representative **MADIGAN**: It's a very simple amendment. This bill passed in committee and this amendment just adds one representative from the County Sheriff's Association to the workgroup because it was felt by the Commissioner and other people involved in the workgroup that this would allow the work to be distributed better. So, it's fine with everyone who participates in the workgroup and I ask you move for its adoption.

Subsequently, **House Amendment "A" (H-667) to Committee Amendment "A" (H-218)** was **ADOPTED**.

**Committee Amendment "A" (H-218) as Amended by House Amendment "A" (H-667)** thereto was **ADOPTED**.

Subsequently, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-218) as Amended by House Amendment "A" (H-667)** 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** with the exception of matters being held.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Eliminate Insurance Rating Based on Age, Geographic Location or Smoking History and To Reduce Rate Variability Due to Group Size"

(H.P. 828) (L.D. 1150)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES READ** and **ACCEPTED** and the Bill

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-609)** in the House on June 14, 2021.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Spekaer FECTEAU of Biddeford moved that the House **INSIST**.

Representative DILLINGHAM of Oxford moved that the House **RECEDE AND CONCUR**.

Representative DUNPHY of Old Town **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 Recede and Concur. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 359**

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

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

ABSENT - Cebra, Craven, Geiger, Grignon, Haggan, Hanley, Javner, Paulhus, Perry, Prescott, Roche, Sampson, Sharpe, Tucker.

Yes, 62; No, 75; Absent, 14; Excused, 0.

62 having voted in the affirmative and 75 voted in the negative, with 14 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **INSIST**.

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

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**Non-Concurrent Matter**

Bill "An Act To Amend State Laws Relating to Net Energy Billing and the Procurement of Distributed Generation"

(H.P. 692) (L.D. 936)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-638)** in the House on June 15, 2021.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-638) AS AMENDED BY SENATE AMENDMENT "A" (S-326)** thereto in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the Popular Election of Maine Constitutional Officers

(S.P. 288) (L.D. 874)

**FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-108)** in the House on June 15, 2021.

Came from the Senate with that Body having **INSISTED** on its former action whereby the RESOLUTION was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-108) AND SENATE AMENDMENT "B" (S-250)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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

**Non-Concurrent Matter**

Bill "An Act To Prevent and Reduce Tobacco Use by Ensuring Adequate Funding for Tobacco Use Prevention and Cessation Programs and by Raising the Tax on Tobacco Products and To Provide Funding To Reduce Disparities in Health Outcomes Based on Certain Factors"

(H.P. 1039) (L.D. 1423)

Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in the House on June 15, 2021.

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

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

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

**CONSENT CALENDAR**

**First Day**

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

(S.P. 266) (L.D. 679) Bill "An Act To Establish a Statewide Electronic Warrant System" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-315)**

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.

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

**ENACTORS**

**Acts**

An Act To Provide Access to Justice for Victims of Child Sexual Abuse

(H.P. 432) (L.D. 589)

(C. "A" H-602)

An Act To Promote Oversight of and Competitive Parity among Video Service Providers

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

(H. "A" H-635 to C. "A" H-528)

An Act Regarding the Review of Law Enforcement Use of Deadly Force

(H.P. 1095) (L.D. 1480)

(C. "A" H-601)

An Act To Establish the Maine Forest Advisory Board

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

(S. "A" S-268 to C. "A" H-519)

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

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

**CONSENT CALENDAR**

**First Day**

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

(H.P. 261) (L.D. 363) Bill "An Act Regarding the Statute of Limitations for Injuries or Harm Resulting from Perfluoroalkyl and Polyfluoroalkyl Substances" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-690)**

(H.P. 593) (L.D. 788) Bill "An Act To Align the Preconviction and Post-conviction Discretionary Deductions for Time Served" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-689)**

(H.P. 987) (L.D. 1336) Bill "An Act To Discontinue the Use of the Terms 'Handicap,' 'Handicapped' and 'Hearing Impaired' in State Laws, Rules and Official Documents" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-688)**

(H.P. 1024) (L.D. 1390) Bill "An Act To Maximize Health Care Coverage for the Uninsured through Easy Enrollment in the MaineCare Program or in a Qualified Health Plan in the Marketplace" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-684)**

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

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

**ENACTORS**

**Emergency Measure**

An Act To Correct Inconsistencies, Conflicts and Errors in the Laws of Maine

(H.P. 1279) (L.D. 1730)  
(C. "A" H-646)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Mandate**

An Act To Promote Transparency in Nonconsensual Towing and Roadside Assistance

(H.P. 899) (L.D. 1228)  
(C. "A" H-652)

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

Representative DILLINGHAM of Oxford **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 360**

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

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

ABSENT - Carmichael, Cebra, Craven, Geiger, Grignon, Haggan, Hanley, Javner, O'Connor, Paulhus, Perry, Prescott, Roche, Sampson, Sharpe, Tucker.

Yes, 79; No, 56; Absent, 16; Excused, 0.

79 having voted in the affirmative and 56 voted in the negative, with 16 being absent, and accordingly the Mandate

**FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

**Acts**

An Act To Facilitate Maine's Climate Goals by Encouraging Use of Electric Vehicles

(H.P. 245) (L.D. 347)  
(C. "A" H-651)

An Act To Protect Maine's Drivers from Pretextual Traffic Stops

(H.P. 301) (L.D. 417)  
(C. "A" H-623)

An Act To Ensure That Children Receive Behavioral Health Services

(H.P. 473) (L.D. 642)  
(C. "A" H-649)

An Act Regarding Courts' Authority To Protect Children When a Parent Has Been Awarded Sole Parental Rights and Responsibilities

(H.P. 765) (L.D. 1030)  
(C. "A" H-650)

An Act To Support Universal Health Care

(H.P. 773) (L.D. 1045)  
(C. "A" H-626)

An Act To Protect Maine Electricity Customers from Threats of Disconnection in the Wintertime

(H.P. 980) (L.D. 1328)  
(C. "A" H-637)

An Act To Clarify the Authority of the Department of Health and Human Services during a Public Health Emergency

(H.P. 995) (L.D. 1344)  
(C. "A" H-631)

An Act To Remove Punishments for Sex Selling and Decrease Demand by Increasing Penalties for Sex Buying

(H.P. 1181) (L.D. 1592)  
(C. "A" H-624)

An Act To Facilitate Children's Testimony in Certain Sex Crime Cases

(H.P. 1201) (L.D. 1612)  
(C. "A" H-653)

An Act To Create the Maine Clean Energy and Sustainability Accelerator

(H.P. 1230) (L.D. 1659)  
(C. "A" H-629)

An Act To Amend Certain Provisions of Maine's Drug Laws

(H.P. 1246) (L.D. 1675)  
(C. "A" H-627)

An Act To Create the Pine Tree Power Company, a Nonprofit Utility, To Deliver Lower Rates, Reliability and Local Control for Maine Energy Independence

(H.P. 1269) (L.D. 1708)  
(C. "A" H-640)

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

**Resolves**

- Resolve, To Improve Behavioral Health Care for Children  
(H.P. 312) (L.D. 432)  
(C. "A" H-655)
- Resolve, Establishing the Commission To Research and  
Recommend Solutions for Regional and Municipal Planning  
(H.P. 322) (L.D. 446)  
(C. "A" H-639)
- Resolve, To Eliminate the Asset Test for the Supplemental  
Nutrition Assistance Program  
(H.P. 538) (L.D. 727)  
(C. "A" H-632)
- Resolve, Establishing the Commission To Study the  
Impact of Various Types of Taxes on Various Populations in the  
State  
(H.P. 1122) (L.D. 1514)  
(C. "A" H-643)
- Resolve, To Compensate Certain Department of  
Corrections Employees and Department of Health and Human  
Services Employees for Hazardous Work  
(H.P. 1252) (L.D. 1683)  
(C. "A" H-625)
- 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** with the exception of matters being held.

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**ORDERS**

- On motion of Representative MILLETT of Cape Elizabeth, the following Joint Order: (H.P. 1291)
- ORDERED, the Senate concurring, that Bill, "An Act To Strengthen the Individualized Education Program Process," H.P. 397, L.D. 552, and all its accompanying papers, be recalled from the Governor's desk to the House.
- READ and PASSED.**  
Sent for concurrence.

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

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- On motion of Representative SYLVESTER of Portland, the following Joint Order: (H.P. 1292)
- ORDERED, the Senate concurring, that Bill, "An Act To Include within the Definitions of "Public Employee" and "Judicial Employee" Those Who Have Been Employed for Less Than 6 Months," H.P. 580, L.D. 775, and all its accompanying papers, be recalled from the Governor's desk to the House.
- READ and PASSED.**  
Sent for concurrence.

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

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**CONSENT CALENDAR**

**First Day**

- In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:
- (S.P. 309) (L.D. 957) Bill "An Act To Reform Alternative Sentencing Programs" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-331)**
- (S.P. 490) (L.D. 1517) Bill "An Act To Establish the Maine Workforce, Research, Development and Student Achievement Institute" Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-329)**
- (S.P. 522) (L.D. 1638) Bill "An Act To Help Seniors and Certain Persons with Disabilities Remain in Their Homes by Providing for the Deferral of Property Taxes" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-335)**
- (H.P. 224) (L.D. 320) Bill "An Act To Provide the Right to Counsel for Juveniles and Improve Due Process for Juveniles" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-698)**

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

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

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

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**ENACTORS**

**Emergency Measure**

- An Act Regarding Remote Participation in Public Proceedings  
(S.P. 40) (L.D. 32)  
(S. "A" S-308 to C. "A" S-301)
- Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

- An Act Regarding Telehealth Regulations  
(S.P. 50) (L.D. 791)  
(S. "A" S-284 to C. "A" S-280)
- Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.
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**Acts**

An Act To Lower Health Care Costs through the Establishment of the Office of Affordable Health Care  
(S.P. 49) (L.D. 120)  
(C. "A" S-275)

An Act To Advance Energy Storage in Maine  
(S.P. 213) (L.D. 528)  
(C. "A" S-314)

An Act To Amend the Maine Criminal Code  
(S.P. 223) (L.D. 536)  
(C. "A" S-295)

An Act To Create the Insulin Safety Net Program  
(S.P. 260) (L.D. 673)  
(C. "A" S-278)

An Act To Increase Prescription Drug Pricing Transparency  
(S.P. 274) (L.D. 686)  
(C. "A" S-255)

An Act To Protect School Employees from Workplace Bullying  
(S.P. 294) (L.D. 880)  
(C. "A" S-276)

An Act To Provide Funding To Support the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations and To Establish Staffing for the Commission  
(H.P. 768) (L.D. 1034)  
(S. "A" S-298 to C. "A" H-410)

An Act Authorizing the Attorney General To Enter into Contingent Fee Agreements  
(S.P. 403) (L.D. 1236)  
(C. "A" S-274)

An Act To Provide Greater Access to Treatment for Serious Mental Illness by Restricting Prescription Drug Utilization Management by an Insurance Carrier  
(S.P. 420) (L.D. 1268)  
(C. "A" S-313)

An Act To Increase the Protection of Children from Domestic Abuse and Violence  
(S.P. 458) (L.D. 1408)  
(C. "A" S-294)

An Act To Conform State Law to the Peer-to-Peer Car Sharing Program Model Act  
(S.P. 470) (L.D. 1420)  
(C. "A" S-287)

An Act To Promote Individual Retirement Savings through a Public-Private Partnership  
(S.P. 515) (L.D. 1622)  
(C. "A" S-312)

An Act To Support Children's Healthy Development and School Success  
(S.P. 533) (L.D. 1712)  
(C. "A" S-293)

An Act To Clarify the Deferral of the Pooled Market and Link Small Employer Clear Choice to Pooling in the Made for Maine Health Coverage Act  
(S.P. 570) (L.D. 1725)

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** with the exception of matters being held.

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**COMMUNICATIONS**

The Following Communication: (S.C. 671)  
**MAINE SENATE**  
**130TH LEGISLATURE**

June 16, 2021  
Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, ME 04333  
Dear Clerk Hunt:  
Please be advised the Senate today insisted to its previous action whereby it accepted Report "B" Ought Not to Pass from the Committee on Labor and Housing on Bill "An Act To End At-will Employment" (H.P. 398) (L.D. 553) in non-concurrence.  
Best Regards,  
S/Darek M. Grant  
Secretary of the Senate  
**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 672)  
**MAINE SENATE**  
**130TH LEGISLATURE**

June 16, 2021  
Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, ME 04333  
Dear Clerk Hunt:  
Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought to Pass as Amended Report from the Committee on Education and Cultural Affairs on Bill "An Act To Require Instruction on the History of Genocide and the Holocaust" (H.P. 150) (L.D. 215) Committee Amendment "A" (H-243) in non-concurrence.  
Best Regards,  
S/Darek M. Grant  
Secretary of the Senate  
**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 673)  
**MAINE SENATE**  
**130TH LEGISLATURE**

June 16, 2021  
Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, ME 04333  
Dear Clerk Hunt:  
Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought to Pass Report from the Committee on Criminal Justice and Public Safety on Bill "An Act To Protect the Firearm Use and Possession Rights of Maine Citizens during an Emergency" (H.P. 781) (L.D. 1052) in non-concurrence.  
Best Regards,  
S/Darek M. Grant  
Secretary of the Senate  
**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 674)

**MAINE SENATE  
130TH LEGISLATURE**

June 16, 2021  
Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, ME 04333

Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted the Majority Ought Not to Pass Report from the Committee on Criminal Justice and Public Safety on Bill "An Act To End the Maine Information and Analysis Center Program" (H.P. 938) (L.D. 1278) in non-concurrence.

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** with the exception of matters being held.

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On motion of Representative RECKITT of South Portland, the House adjourned at 2:32 a.m., until 2:00 p.m., Thursday, June 17, 2021, in honor and lasting tribute to Robert J. Hawkins of South Portland.