

ONE HUNDRED AND THIRTIETH LEGISLATURE
FIRST SPECIAL SESSION
12th Legislative Day
Thursday, June 17, 2021

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

Prayer by Honorable Thomas H. Skolfield, Weld.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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

ORDERS

On motion of Representative TALBOT ROSS of Portland, the following Joint Resolution: (H.P. 1293) (Cosponsored by Senator CARNEY of Cumberland and Representatives: BROOKS of Lewiston, EVANGELOS of Friendship, EVANS of Dover-Foxcroft, HARNETT of Gardiner, LOOKNER of Portland, PLUECKER of Warren, SHEEHAN of Biddeford, WARREN of Hallowell)

JOINT RESOLUTION COMMEMORATING THE ONE-YEAR ANNIVERSARY OF THE DEATH OF GEORGE FLOYD

WHEREAS, May 25, 2021 marked the one-year anniversary of the death of George Floyd, an African American man who was murdered while in police custody as a result of pervasive and systemic racism that cannot be dismantled without, among other things, proper redress in the courts; and

WHEREAS, George Floyd was a man who was a respected member of his community, a caring man with a generous heart and a loving son and father; and

WHEREAS, on the anniversary of his death, the family of George Floyd commemorated his death as a "Day of Enlightenment" in the hope that the world would come together and understand the plight of all Americans in their pursuit of equal justice under the law; and

WHEREAS, African Americans in the United States are disproportionately the victims of shootings, choke holds and other uses of excessive force by law enforcement officers; and

WHEREAS, the use of excessive force during an arrest or investigatory stop constitutes an unreasonable seizure under the 4th Amendment to the United States Constitution, which guarantees the right of every person in the United States to be free from unreasonable searches and seizures at the hands of law enforcement officers; and

WHEREAS, the use of excessive force during a period of pretrial detention constitutes the deprivation of due process under the 5th and 14th Amendments to the United States Constitution, which guarantee the right of every person in the United States to be free from arbitrary interference with the liberty of that person at the hands of law enforcement officers; and

WHEREAS, the use of excessive force during a term of imprisonment constitutes the use of cruel and unusual punishment under the 8th Amendment to the United States Constitution, which guarantees the right of every person in the United States to be free from cruel and unusual punishment at the hands of law enforcement officers; and

WHEREAS, Section 1979 of the Revised Statutes of the United States, which is also codified as 42 United States Code, Section 1983 and which is derived from the first section of the Act of April 20, 1871, commonly known as and referred to in this preamble as "the Civil Rights Act of 1871," makes liable "every person," including a police officer, corrections officer or other law

enforcement officer, who, under color of law, deprives another person of civil rights; and

WHEREAS, the intent of the United States Congress in enacting the Civil Rights Act of 1871 was to hold state and local law enforcement officers accountable for intimidating, harming and murdering African American people in the United States after the Civil War; and

WHEREAS, the United States Government has established itself as a government of laws and not of men but will cease to be so if it does not furnish a viable remedy for all civil rights violations; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirtieth Legislature now assembled in the First Special Session, pause in our deliberations to express the Legislature's strong disapproval of the use of excessive force; and be it further

RESOLVED: That We commemorate the one-year anniversary of the death of George Floyd and extend to all his family and friends our deepest condolences.

READ and ADOPTED.

Sent for concurrence.

On motion of Representative TALBOT ROSS of Portland, the following Joint Resolution: (H.P. 1294) (Cosponsored by Senator BALDACCI of Penobscot and Representatives: BRENNAN of Portland, BROOKS of Lewiston, EVANS of Dover-Foxcroft, HARNETT of Gardiner, MATLACK of St. George, MELARAGNO of Auburn, RIELLY of Westbrook, ZAGER of Portland)

JOINT RESOLUTION TO RECOGNIZE THE OBSERVANCE OF JUNETEENTH ON JUNE 19, 2021

WHEREAS, for 154 years, Juneteenth National Freedom Day, also known as Emancipation Day, Emancipation Celebration, Freedom Day, Juneteenth Independence Day and Juneteenth, has been one of the most recognized African-American holiday observances in the United States; and

WHEREAS, Juneteenth commemorates the day freedom was proclaimed to all slaves in the South by Union General Gordon Granger, on June 19, 1865 in Galveston, Texas, more than 2 1/2 years after the signing of the Emancipation Proclamation by President Abraham Lincoln; and

WHEREAS, Juneteenth commemorates the determination of the first people from Africa, approximately 11,500,000 of whom survived the awful voyages across the Atlantic and who were brought to this country and enslaved in chattel slavery and whose descendants served as slaves for 200 years before the horrific institution of chattel slavery was abolished; and

WHEREAS, Juneteenth is the oldest known celebration commemorating the end of chattel slavery in the United States; and

WHEREAS, over 130 years after the Emancipation Proclamation and after years of informal annual celebration, Juneteenth was finally officially recognized in 1997 as Juneteenth Independence Day in America by the President of the United States and the United States Congress in the first session of the 105th Congress with bipartisan cooperation in Senate Joint Resolution 11 and House Joint Resolution 56; and

WHEREAS, "Until All are Free, None are Free" is an oft-repeated maxim that can be used to highlight the significance of the end of the era of chattel slavery in the United States; and

WHEREAS, the National Juneteenth Observance Foundation is working to make Juneteenth, what many people consider to be America's 2nd Independence Day Observance, a national holiday and to recognize this country's movement towards a "One America"; and

WHEREAS, Juneteenth will become an official state holiday in Maine in 2022; and

WHEREAS, it is important to recognize the historical significance of Juneteenth in order to advance racial equity, human dignity and justice; 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, recognize the observance of Juneteenth on June 19, 2021, support the National Juneteenth Holiday Campaign and encourage people in our State to participate in Juneteenth observances.

READ and ADOPTED.

Sent for concurrence.

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

On motion of Representative CUDDY of Winterport, the following Joint Order: (H.P. 1295)

ORDERED, the Senate concurring, that Bill, "An Act To Update the Classification of Service Employees," H.P. 1103, L.D. 1489, and all its accompanying papers, be recalled from the Governor's desk to the House.

READ and PASSED.

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

Ought to Pass as Amended

Report of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Establishing the Commission To Research Effective Strategies and Efficiencies of Legislatures

(S.P. 341) (L.D. 1073)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-199).**

Came from the Senate with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-199) AS AMENDED BY SENATE AMENDMENT "A" (S-333)** thereto.

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

The Resolve was **READ ONCE. Committee Amendment "A" (S-199) READ** by the Clerk.

Senate Amendment "A" (S-333) to Committee Amendment "A" (S-199) was READ by the Clerk.

Representative DUNPHY of Old Town **REQUESTED** a roll call on the motion to **ADOPT Senate Amendment "A" (S-333) to Committee Amendment "A" (S-199).**

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 Senate Amendment "A" (S-333) to Committee Amendment "A" (S-199). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 361

YEA - Bailey, Bell, Blume, Evangelos, Grohoski, Hasenfus, Landry, Lookner, Millett, Osher, Rielly, Riseman, Warren, White, Williams.

NAY - Alley, Andrews, Arata, Arford, Austin, Babbidge, Bernard, Berry, Bickford, Bradstreet, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carlow, Carmichael, Cloutier, Collamore, Collings, Connor, Copeland, Corey, Costain, Crafts, Craven, Crockett, Cuddy, Dillingham, Dodge, Doore, Doudera, Downes, Drinkwater, Ducharme, Dunphy, Evans, Faulkingham, Fay, Fecteau, Foster, Gere, Gifford, Gramlich, Greenwood, Griffin, Haggan, Hall, Hanley, Harnett, Harrington, Head, Hepler, Hutchins, Hymanson, Johansen, Kessler, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Madigan, Martin J, Martin R, Mason, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, Morris, Nadeau, Newman, O'Connell, O'Neil, Ordway, Parry, Pebworth, Perkins, Perry, Pickett, Pierce, Pluecker, Poirier, Quint, Reckitt, Roberts, Roeder, Rudnicki, Sachs, Salisbury, Sampson, Sheehan, Skolfield, Stanley, Stearns, Stetkis, Stover, Sylvester, Talbot Ross, Tepler, Terry, Thorne, Tucker, Tuell, Tuttle, Underwood, Wadsworth, Warren, White, Wood, Zager, Zeigler, Mr. Speaker.

ABSENT - Blier, Cebra, Dolloff, Geiger, Grignon, Javner, Martin, O'Connor, Paulhus, Perry, Prescott, Roche, Sharpe, Supica, Theriault.

Yes, 15; No, 121; Absent, 15; Excused, 0.

15 having voted in the affirmative and 121 voted in the negative, with 15 being absent, and accordingly **Senate Amendment "A" (S-333) to Committee Amendment "A" (S-199) was NOT ADOPTED.**

Subsequently, **Committee Amendment "A" (S-199) was ADOPTED.**

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-199) in NON-CONCURRENCE** and sent for concurrence.

Divided Reports

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-325)** on Bill "An Act To Require Prompt and Effective Use of the Renewable Energy Resources of Northern Maine"

(S.P. 563) (L.D. 1710)

Signed:

Senators:

LAWRENCE of York
STEWART of Aroostook
VITELLI of Sagadahoc

Representatives:

BERRY of Bowdoinham
CARLOW of Buxton
CUDDY of Winterport
FOSTER of Dexter
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:
Representative:
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-325) AS AMENDED BY SENATE AMENDMENT "A" (S-339)** thereto.

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-325)** was **READ** by the Clerk.

Senate Amendment "A" (S-339) to **Committee Amendment "A" (S-325)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-325) as Amended by Senate Amendment "A" (S-339) 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-325) as Amended by Senate Amendment "A" (S-339)** thereto in concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Amend the State's Electronic Waste Recycling Law"

(S.P. 394) (L.D. 1208)

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-342)** 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.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass** on Bill "An Act To Clarify the Rule-making Authority of the Supreme Judicial Court Concerning Electronic Records and Filing"

(S.P. 357) (L.D. 1096)

Signed:

Senators:

- CARNEY of Cumberland
- SANBORN of Cumberland

Representatives:

- HARNETT of Gardiner
- BABBIDGE of Kennebunk
- EVANGELOS of Friendship
- HAGGAN of Hampden
- LIBBY of Auburn
- 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" (S-341)** on same Bill.

Signed:

Senator:

- KEIM of Oxford

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass** Report.

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

READ.

On motion of Representative HARNETT of Gardiner, 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 **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-338)** on Bill "An Act To Limit Qualified Immunity of Law Enforcement Officers in Maine Civil Rights Act Claims"

(S.P. 466) (L.D. 1416)

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" (S-338)** Report.

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

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.

On motion of Representative DILLINGHAM of Oxford, **TABLED** pending the motion of Representative HARNETT of Gardiner to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered)

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-336)** on Bill "An Act To Require Police To Enforce Court-ordered Child Custody Agreements"

(S.P. 446) (L.D. 1577)

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" (S-336)** 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-336)**.

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-336)** 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-336)** in concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-334)** on Bill "An Act To Authorize a Memorial to the Victims of COVID-19"

(S.P. 386) (L.D. 1123)

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

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

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-334)**.

READ.

On motion of Representative MATLACK of St. George, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-334)** 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-334)** 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 **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-327)** on Bill "An Act Regarding Registered Dispensaries and Rules under the Maine Medical Use of Marijuana Act and the Definition of 'Resident' in the Marijuana Legalization Act" (EMERGENCY)
(S.P. 425) (L.D. 1319)

Signed:

Senators:

LUCHINI of Hancock
FARRIN of Somerset

Representatives:

CAIAZZO of Scarborough
HARRINGTON of Sanford
McCREIGHT of Harpswell
RIELLY of Westbrook
WOOD of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-328)** on same Bill.

Signed:

Senator:

HICKMAN of Kennebec

Representatives:

COREY of Windham
DOLLOFF of Milton Township
KINNEY of Knox
SUPICA of Bangor
TUTTLE of Sanford

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-327)**.

READ.

On motion of Representative CAIAZZO of Scarborough, **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-724)** on Bill "An Act To Establish Resentencing Units in the Attorney General's Office and All Maine Prosecutorial Districts"
(H.P. 930) (L.D. 1270)

Signed:

Senator:

SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
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:

Senators:

CARNEY of Cumberland
KEIM of Oxford

Representatives:

BABBIDGE of Kennebunk
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-724)** 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. This is a very similar bill to the conviction integrity unit that we did the other day, putting it all under the roof of the Attorney General's Office. This is a resentencing unit also under the roof of the Attorney General's Office. I believe that this bill is unnecessary. Everything goes to the Attorney General for post-conviction review of a sentence. The Legislature has already approved a bill eliminating time barriers for defendants to file petitions. This is already done in Rule 35, which allows for correction of an improperly imposed sentence. Conflict of interest with the Attorney General investigating its own is in this bill. This legislation should be characterized as void for vagueness as nothing is defined. Constitutionally, the Attorney General can't determine whether to reduce or terminate a sentence, a violation of separation of powers doctrine in Article III of the Maine Constitution. The fiscal note is large and I believe that we should go against this motion. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Friendship, Representative Evangelos.

Representative **EVANGELOS**: Thank you, Mr. Speaker. I wanted to give you a brief description of what this bill is about. The bill requires the Attorney General to maintain a resentencing unit to review ongoing sentences of cases they prosecuted to determine whether sentences should be reduced or terminated in the interest of fairness and justice.

I want to tell the House why I brought this bill forward. During a confirmation hearing of a justice in the judiciary committee this year, because we have judicial discretion in sentencing and our sentences are not consistent. So, I laid this excellent attorney who was confirmed as a district court judge this year, I laid three cases in front of her. I laid the Cardilli case, the Collins case and the Brown case. Cardilli and Collins each shot somebody and they died and it resulted in manslaughter convictions. Cardilli got seven to 10 years, three years suspended. These cases were 2019. Collins got six and a half

to 10 years, three and a half suspended. The victim did not die. They were all 21 years old, they all asked for forgiveness and took responsibility at their sentencing. Brown's victim didn't die and he got a sentence four times the length as the other two. So, I laid that in front of the now-judge and I asked her in our judicial confirmation process how in the world could that have happened. And her exact quote was; I'm sorry to tell you, Representative Evangelos, but it was human error. And we can't have people serving four times the length of sentences for offenses that are less serious. So, all this does is set up a review unit inside the prosecutor's office to make sure we got it right. These units have been established in Maryland, San Francisco, Boston, Philadelphia, Brooklyn, LA County, Washington State, Washington DC, San Diego County and they're spreading all across the country, similar to what the Representative from Hampden said. It's part of the criminal justice reform movement that's sweeping the nation because we want to get these things right. And it's significant in some of these efforts that it's the prosecutors themselves who want these units housed in their offices. It's a great stride for justice.

So, the resentencing units are set up to review disproportionate-based sentences, especially for incarcerated people over 50 years of age who committed the offense as a minor, sentences of at least five years when the release is 12 months away and a variety of other situations such as debilitating illnesses or where the standards of a nation or a State have changed over time. And that's what's happening now, obviously. Standards are changing, we're becoming more understanding of the criminal justice system and the injustices its inflicting. But you can't have people who commit lesser offenses serving four times the time of people who actually killed somebody. So, that's why I brought the bill forward. This was very important testimony this judge brought forward. I did want to address the Representative from Hampden's comment about Rule 35. There's a one-year limitation on that. So, if you don't bring the petition forward for consideration, the one-year limit has expired, you don't have any right of review. Secondly, this bill specifically requires the Attorney General to file a modification and petition with the court. And I've studied and done research and gotten opinions on this; we have separation of powers and because the Attorney General goes to the court with the petition, the court has the authority to act. We're not violating anyone's separation of powers. The courts routinely do post-conviction reviews and release people from prison on petitions of innocence when evidence surfaces in that case. So, there is not a violation of separation of powers here. The courts are one of our three branches of government; constitutionally, they're empowered to do this. And so, I urge you to pass this unit in the interest of fairness. Thank you very much.

Representative POIRIER of Skowhegan **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

ROLL CALL NO. 362

YEA - Alley, Andrews, Arford, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Dodge, Doore, Doudera, Dunphy, Evangelos, Evans, Faulkingham, Fay, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hutchins, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald,

Melaragno, Meyer, Millett, Morales, O'Connell, O'Neil, Osher, Pebworth, Perry, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

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

ABSENT - Blier, Cebra, Cuddy, Dolloff, Geiger, Grignon, Javner, O'Connor, Paulhus, Perry, Prescott, Roche, Sharpe, Supica, Theriault.

Yes, 78; No, 58; Absent, 15; Excused, 0.

78 having voted in the affirmative and 58 voted in the negative, with 15 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-724)** 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-724)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-719)** on Resolve, Directing the Department of Agriculture, Conservation and Forestry To Identify Places with Offensive Names and Methods of Changing Those Names

(H.P. 1180) (L.D. 1591)

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 Resolve.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
POIRIER of Skowhegan
THORNE of Carmel

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-719) 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-719)** and sent for concurrence.

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-723)** on Bill "An Act To Extend Family Medical Leave to Hourly School Employees" (H.P. 668) (L.D. 912)

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:

DRINKWATER of Milford
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 and Ladies and Gentlemen of the House. I stand in opposition to the pending motion. I appreciate the efforts of the sponsor to bring this forward. I believe we've commissioned a study on Family Medical Leave and perhaps we should wait for the results of that. I understand also that there's being a move at the federal level to deal with this issue and it seems like we should wait and take a comprehensive approach to this matter. Thank you, Mr. Speaker.

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

Representative **SYLVESTER**: Thank you, Mr. Speaker. I appreciate the comments from the Good Representative from Vassalboro, but I believe the movement that he's talking about at the federal level is for the Family Medical Leave Plan, which

is different from the Family Medical Leave Act. This is an act which is already in both federally and in Maine and we're speaking specifically here with school employees about the Maine Family Medical Leave Act, which is unpaid leave and to extend it. And the only change is to extend it so that it's retroactive so that if you worked 1250 hours during a calendar year, you would receive it for the next year because by the time you've worked that amount of hours, you may only have a week left to enjoy the benefit. And I appreciate everyone's attention. Thank you.

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

Representative **ROEDER**: Thank you, Mr. Speaker. The Good Representative from Portland already said what I was going to say.

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. 363

YEA - Alley, Arford, Babbidge, Bailey, Bell, Berry, Bickford, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collamore, Collings, Copeland, Crafts, Craven, Crockett, Dodge, Doore, Doudera, Dunphy, Evangelos, Evans, Fay, Fecteau, 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, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

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

ABSENT - Blier, Cebra, Cuddy, Dolloff, Geiger, Grignon, Javner, O'Connor, Paulhus, Perry, Prescott, Roche, Sharpe, Supica, Theriault.

Yes, 81; No, 55; Absent, 15; Excused, 0.

81 having voted in the affirmative and 55 voted in the negative, with 15 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (H-723) 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-723)** and sent for concurrence.

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-726)** on Bill "An Act To Require Responsible Contracting Practices for Public Construction Projects"

(H.P. 1217) (L.D. 1633)

Signed:

Senators:

HICKMAN of Kennebec
MIRAMANT of Knox

Representatives:

SYLVESTER of Portland
CUDDY of Winterport
GERE of Kennebunkport
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
PEBWORTH of Blue Hill
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, Members of the House. I rise in opposition to the pending motion. In our hearing, we had a lot of multiple businesses with very good reputations testifying against this bill. I think I've already pointed out in previous bills why I think some of the elements of this bill are worthy of its defeat, but I'd like to point out, too, that one more thing that I haven't mentioned before and that's the Maine Turnpike Authority Executive Director Peter Mills stated in order to make substantive changes in the current process of choosing a contractor for a public works project, you should first of all determine three different things. One, are the current conditions of work unsafe? Two, are the people underpaid? And, three, are the workers not being properly trained? We found plenty of evidence in the testimony that none of these is the case, so, I offer that as another reason for the defeat of this motion. Also, the enactment of this proposal will inevitably drive up the cost of public works projects by limiting the number of contractors willing to bid on projects. We'll get fewer projects completed, with the result we will have missed a great opportunity with all the federal money coming in to meet the obvious construction needs we have in the State of Maine. We will be doing a disservice to the thousands of workers in Maine who will be excluded from participating in these projects as well as the people of the State of Maine who put their trust in us to look after their best interests. Thank you, Mr. Speaker.

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

Representative **DRINKWATER**: Thank you, Mr. Speaker. The DOT came in and gave testimony on this bill and I would just like to read a few paragraphs from their testimony.

First of all, they said that they came to the meeting to testify against this bill. They are saying and I'm quoting here, imposing this requirement upon Maine DOT will significantly delay our construction contracts. Maine DOT's contracting process is efficient because we can advertise a project, open bids, file a notice of intent award in a short period of time. This is critical due to the short construction season we experience in Maine. Most of our contractors are ready to begin our projects immediately upon learning that they are the low bidder, with the project commencing shortly after the contract is in place. These projects are currently performed by qualified Maine companies that would not meet this project labor agreement requirement. The success of these companies who employ Maine people is dependent on the ability to bid and perform the type of work that Maine DOT advertises. LD 1633 would limit their ability to do so and limit the number of contractors able to bid on our projects. Competition breeds better prices. Thank you, Mr. Speaker.

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

Representative **SYLVESTER**: Thank you, Mr. Speaker. I just wanted to clear up a few points from the Good Representative from Milford. Ninety percent of this bill is about making sure that we know exactly who is working on the projects that are funded by public money and that they meet a series of criteria which, I would agree, most of the folks who are working on these projects already meet. They are already well-known to the departments and it would be a very simple process for those who are well-known to have this list of things such as licenses, being bonded, being qualified, etcetera, checked off. For the purpose of the PLAs, those are for projects over \$10 million. And so, all other State projects would not have that PLA requirement. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Eddington, Representative Lyford.

Representative **LYFORD**: Thank you, Mr. Speaker. Both parties here today have spoke the truth and I, as a contractor for the Maine Department of Transportation, most of these projects require a performance bond. Now, a performance bond is given by an insurance company and that insurance company to repay that bond has to get their hands onto something that they can move immediately, which is cash. So, all contractors working within DOT have a performance bond and have to have cash available. Thank you, sir.

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. 364

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

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

Corey, Costain, Dillingham, Downes, Drinkwater, Ducharme, Faulkingham, Fay, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Johansen, Kinney, Kryzak, Landry, Lemelin, Libby, Lyford, Lyman, Martin R, Martin T, Mason, Millett, Morris, Nadeau, Newman, O'Connell, Ordway, Parry, Pebworth, Perkins, Perry, Pickett, Pierce, Poirier, Quint, Riseman, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Thorne, Tuell, Underwood, Wadsworth, White B, White D.

ABSENT - Blier, Cebra, Dolloff, Geiger, Grignon, Hepler, Javner, O'Connor, Paulhus, Prescott, Roche, Sharpe, Supica, Theriault.

Yes, 69; No, 68; Absent, 14; Excused, 0.

69 having voted in the affirmative and 68 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-726)** 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-726)** and sent for concurrence.

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

Six Members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-727)** on Bill "An Act To Make Possession of Scheduled Drugs for Personal Use a Civil Penalty"

(H.P. 713) (L.D. 967)

Signed:

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 Not to Pass** on same Bill.

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

COSTAIN of Plymouth
NEWMAN of Belgrade
PICKETT of Dixfield
RUDNICKI of Fairfield

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-728)** on same Bill.

Signed:

Senators:

DESCHAMBAULT of York

LAWRENCE of York

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

Representative **PICKETT**: Thank you, Mr. Speaker. I rise in opposition to the motion on the floor. Although the bill is well-intentioned, there will be a negative side effect. Law enforcement often have contact with those suffering from substance abuse disorder or in possession of drugs but are not at a point where they are willing to receive help. The fear of a \$100 fine is also no deterrent for someone with a drug habit that costs \$100 every other day. These folks often need the fear of prosecution for the courts compelling treatments before they get help. Decriminalization will only remove a tool that law enforcement have to force people to get the help they need before they OD and possibly die. Law enforcement are the ones who respond to more than one of these ODs every day in Maine. Law enforcement see the destruction of these peoples' families and lives and want to be part of the solution. Removing this valuable tool will leave officers exasperated as they helplessly watch as people kill themselves while they have to stand by and do nothing. As one of the three legs of the stool, law enforcement work tirelessly to limit the flow of these poisons from coming into our States. Many times, charging those with possession can lead to their cooperation, resulting in working a case all the way to the source of the drugs, who are the kingpins getting rich at the cost of our citizens. When we remove the high-level dealers, we slow the flow of these drugs from flooding through our communities. And, Mr. Speaker, I would also like to share testimony from the Chief Executive who, at the time, was the Attorney General during the 127th Legislature in opposition to a similar proposal. I quote; Maine is an easy target for out-of-state drug dealers because of the potential for significant profits and the serious opiate problem facing our State. The LD at that time was 113 and she went on to say would eliminate the biggest disincentive they have, which is prison time. Ironically, this bill would make it more difficult for law enforcement and prosecutors to hold accountable those who are most culpable and responsible. I agree that we need to balance prevention, treatment and enforcement in our State's drug policies. Any long-term solution will involve a multifaceted approach that involves education and prevention, robust treatment and, by necessity, aggressive enforcement. Hollowing out one component of the solution is not an answer, end-quote. And, Mr. Speaker, I would end by saying the Good Representative from Calais, Representative Perry, she did yeoman work on this bill to try to get it to a place where we could all come together in committee and move it forward in a bipartisan way, but because of the decriminalization of some of the drug laws and dropping them down to civil violations and other things that I've just mentioned in my testimony, I cannot in good faith stand here as a former law enforcement officer to say I concur with the Chief Executive and her statements back in the 127th, that we need aggressive law enforcement to deal with this crisis and it is a crisis in our State. I urge you to follow my light and defeat this motion. Thank you, Mr. Speaker.

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

Representative **WARREN**: Thank you, Mr. Speaker. Mr. Speaker, we've all talked a lot about the pandemic happening on our State, but there's also a very large epidemic happening in our State that's killing 11 Mainers a week. For me, every week on Sunday, I do a lot of chores around the house and at some point I reflect on the fact that 11 members of our Maine community have died again to a disease that's completely preventable. Eleven Mainers a week. Mr. Speaker, substance use disorder is a disease and we have tried criminalizing this disease for decades and 11 Mainers a week are dying. Substance use disorder is a disease and a symptom of that disease is using substances. Therefore, a symptom of that disease is possessing substances. We are continually trying to criminalize a symptom of a disease. It hasn't worked. It won't work. Mr. Speaker, we heard from so many doctors, doctors that actually are charged with saving lives. They are begging us for help. They testified in support of this piece of legislation because they need our help to save people. Our friends in the law enforcement community, they have tried. They continue to try. They try every day. Our sheriffs watch as the same people come in to their jails and detox and go out of their jails and come back in again or sometimes die of overdoses. Mr. Speaker, what we're doing is not working and it's time to listen to the experts, the doctors, it's time to start saving lives, Mr. Speaker. Thank you.

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

Representative **ZAGER**: Thank you, Mr. Speaker, Women and Men of the House. I rise in support of the pending motion. Many people here know that my other job is as a family physician, a community-based family physician. I practice in my usual practice and also for six years in a school-based health center. I have taken care of people from all walks of life, across the political spectrum, at all ages and stages of life. It is a privilege to humbly listen, to advise, to accompany people on their journey of health, their individual journeys of health, whatever is afflicting them or whatever we can prevent in an evidence-based fashion. It is no surprise to this Body, I'm sure, that treating substance use disorder has become a significant segment of my practice and it's not a diagnosis that I particularly was seeking when I decided as a second career to go into medicine, but it's what the community is suffering from and it is something that therefore, I have made it a very important part of my practice and in my focus as a legislator. Substance use disorder, whether it be alcohol, tobacco, opioids, cocaine, whatever it is; it is treatable. It is a medical condition, as the Good Representative from Hallowell just pointed out. It is definable in the Diagnostic and Statistics Manual, the so-called DSM-V. It is studyable. We can discern evidence of what actually works. Not what people hypothesize, but subjected to the scientific method, we can find what works and we can employ those approaches. That is what we do for a variety of conditions, Mr. Speaker, including substance use disorder. It is treatable and I have seen with my own eyes peoples' lives be turned around through evidence-based treatment of this medical condition. I've also seen people get ensnared in a criminal justice system with very good people in it, but the system is not working. Very good, very devoted people, but the system is not working and that is something that the medical community has been puzzling over for, you know, for different reasons of how we can have great people in a system who are hardworking and

yet still failing us in other areas when it comes to outcomes and costs, but that's a topic for a different day.

Focusing on this bill, Mr. Speaker, there are upstream factors that affect health outcomes. Things like abuse, poverty and certainly incarceration or people being brought up in a system, in a criminal justice system. This can affect peoples' health when they, themselves, are imprisoned or even when their parent is, which is a definable so-called adverse childhood experience, an ACE, which can impact all sorts of health outcomes; cardiovascular health outcomes such as heart attack risk, heart disease. This was actually a major takeaway of the NCSL, National Conference of State Legislators opioid fellowship that the Representative from Calais and I have had the privilege of participating in, which is, of course, a bipartisan body with trying to figure out the best policy approaches to improve the lives of people in all our States. This is mainstream medical thought that can inform good evidence-based policy. If people want to read more if Members of this Body wish to learn more about this, I would refer people to the cdc.gov website. I'll just close by pointing out again, as the Good Representative from Hallowell pointed out, that we are criminalizing a disease, a treatable disease, which is not working. So, I urge Members to please support the pending motion. Thank you, Mr. Speaker.

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

Representative **FACTEAU**: Thank you, Mr. Speaker. I really wish this Body would be able to streamline some of the fines that we're seeing on a lot of these bills. The fine for this bill is \$100. We just dealt with another where the mandatory minimum is double of that for recording one second of a PowerPoint in your own home. But I know some people say to not ask questions you don't know the answers to, but I generally have two genuine questions regarding this bill, if I could ask the questions through the Chair.

The SPEAKER: The Member may proceed.

Representative **FACTEAU**: So, my first question is what schedule drug is fentanyl and is there a possession limit on the schedule W and X drugs in this pending motion. Thank you.

The SPEAKER: The Representative from Augusta, Representative Fecteau has posed a question to any Member who may care to respond. The Chair recognizes the Representative from Hallowell, Representative Warren.

Representative **WARREN**: Thank you, Mr. Speaker. This proposal refers to all schedule drugs. Fentanyl is a component, basically, on the street of every drug out there. So, let me say that again in a clearer way; cocaine has fentanyl in it, crack has fentanyl in it, heroin has fentanyl in it. The idea that there is this big scary thing called fentanyl that's separate than everything else, it just isn't true and that's from the law enforcement officers who shared that with us many times in our committee. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Member may proceed.

Representative **HARRINGTON**: I see the proposed fine is not more than \$100, as the Good Representative from Augusta just said and this would be for possession of a substance where just a grain of salt worth is deadly. Can someone please just refresh my memory what the proposed fine was for a small child releasing a balloon? Thank you.

The **SPEAKER**: The Representative from Sanford, Representative Harrington has posed a question to any Member who may care to respond. The Chair recognizes the Representative from Windham, Representative Corey.

Representative **COREY**: Thank you, Mr. Speaker. To help answer and add clarity to the Representative from Augusta's question, fentanyl is not the component of every drug out there. Sometimes fentanyl is added to drugs but it's not a component in all of those drugs. Also, fentanyl can be purchased on its own, it's not just not in every drug, it's sometimes purchased on its own. Thank you, sir.

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

Representative **LOOKNER**: Thank you, Mr. Speaker. I didn't want to rise today but, you know, the fact of the matter is, we have this bill before us that could really improve a lot of lives. For a long time, we've been criminalizing this mental health issue. It's been said that the definition of insanity is trying the same thing over and over again and expecting different results. And that's what we have with our treatment of those and our criminalization of those who use substances. It's a past that's based on superstition. It's time to move beyond it. To quote the late great Jesse Harvey, a prominent advocate of the recovery community; people who use drugs don't deserve to die. We don't need to be shaming people into hiding, we need to be welcoming people into recovery with understanding and support and this bill is a step towards that. So, that's what I rise to say and I'm very much in support of the motion. Thank you.

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

Representative **PICKETT**: Thank you, Mr. Speaker. I apologize for rising a second time, but I just wanted to respond to a couple things. I don't look at this as criminalizing a disease. And the reason I don't is because there's efforts on the law enforcement, the prosecutorial and the Judicial Branch that are trying to deal with this disease each and every day and giving people the opportunity to turn around and get a chance to better themselves and to get this under control. That is happening right now through drug courts and a number of other things. Officers already use discretion based on mitigating factors and don't always charge for the possession. Prosecutors already exercise discretion as well and often deferred dispositions in lieu of participation of treatment. Judges have the authority to drop *de minimis* infractions and sometimes do in favor of requiring treatment.

So, making drugs easier to get will clearly not help with the problem we're seeing with over 500 deaths last year alone. And the problem is I have a relative in my family who has been addicted to drugs for many, many years and he has been given opportunity for help over and over and over again. A bright young kid that came out of school and had the world in front of him; culinary arts, he was a chief cook over in Bar Harbor in a tourist area in our State and now he lives in an apartment house and; when he's not living in a halfway house because drugs have stricken him. He's been given the opportunity each and every time that he has been brought in to be able to do something to get these things under control, but you know why he can't, I believe, Mr. Speaker? I can take a horse down to a water trough and I can put his snout right down in the water, but if he doesn't want to drink it, he's not going to drink it. They've got to realize they have a problem and want help and that's what we're trying to do, even in law enforcement. Law enforcement officers are out here, they recognize this problem. They're not out looking for people that are addicted to just bring in and throw

them in jail cells. That's not what they're trying to do. They recognize these problems. They're trying to do their part and the Good Representative from Calais is trying to do her part, but the bottom line, if we decriminalize schedule drugs and make them civil violations and if we have up to a \$100 fine for a first offense or if we don't want to pay the \$100 fine, we choose not to pay the \$100 fine, then we can have the judge have us have an assessment, that's not the answer. We need to continue trying to keep this poison out of the State with the people we have out here working each and every day. And I'll tell you something about fentanyl. I don't know how many people in this room have had the opportunity to go into a house and see somebody with a needle stuck in the arm and still in there on a hot shot that they didn't even get a chance to take the needle out of their arm and laying there and succumb to their addiction through that. Fentanyl is a killer, period. And a lot of our drugs out here are laced with it and these people that are putting this poison out here, they could care less about the addict and they're making money on it and we need to go after them and the only way we can is if we have drug laws that will allow us to do it. I know that we keep hearing the war on drugs, I agree, that wasn't the answer, but that's not what's going on right here, Mr. Speaker. Law enforcement in our State have adjusted. They come in every day in committee and talk to us about things, they adjust to different things, they're trying to do things in a way that they can help these people. But just ignoring that they have a problem and just letting them have a \$100 fine or be assessed or going back out, God forbid and get into some more and buy some more that night and that one be a hot shot and end up dead; that's not helping them, Mr. Speaker. I urge you, for their sake, to defeat this motion. Thank you, Mr. Speaker.

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

Representative **DRINKWATER**: Thank you, Mr. Speaker. Mr. Speaker, I've seen this demon up close and personal through a wife. Number one graduate, Boston College, smart attorney. She succumbed to that demon, all alone in Boston. Mr. Speaker, I had an employee whose son became addicted. I had many conversations with the sheriff of Penobscot County. And he says to me, he says Gary, I can tell you right now that these people, in order to want help need to sit alone in a jail cell, examine their life and make a decision to turn it around. The Good Representative here, law enforcement plays a very important part of the treatment process, to get that person to the point where they want to turn their life around. Sheriff Moulton says; I've received many phone calls from parents upon learning that their child has been arrested, sitting in a jail cell, begging the sheriff please don't let them go. I can sleep tonight because my child is off the street and safe. They won't even pay the bail because they want their child to have an awakening and say life is too precious, I need to get rid of this demon, one day at a time. Mr. Speaker, we cannot decriminalize and dumb down these fines. These people need help and law enforcement is the best social worker to help these people. Thank you, Mr. Speaker.

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

Representative **PERRY**: Thank you, Speaker and Members of the House. I rise because I do have to disagree that law enforcement is part of the treatment program. I have worked for years with addiction, with methadone, with abstinence, with suboxone; helping addicts find their way to recovery. Addiction is a lonely, lonely disease. Isolation is what happens with addiction and it only creates a greater problem. It is depression and adverse childhood events and PTSD that

really keep them away from the people who could help them. Being alone in a cell only proves to them that they are as bad as they think they are. I have had patients who have been in jail without treatment and they get out and they overdose because they have proven how their worth. We do need to treat this disorder and law enforcement will be a part of it, but law enforcement is not the gateway to treatment and recovery. It's a gateway to isolation and suicide. We have got to find a way to treat this as a disorder and bring people to recovery and, yes, it takes a while to do it. We can't arrest our way out of alcohol addiction, we can't arrest our way out of gambling addiction or cigarettes. We can offer help and the more options they have for help; they finally make it. But they have to be in a community, not isolated, to prove that they can find help. 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. 365

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, Martin J, Martin R, Mathieson, Matlack, McCreia, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Pebworth, Perry, Pierce, Pluecker, Reckitt, Rielly, Roberts, Roeder, Sachs, Salisbury, Sheehan, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren C, Warren S, Williams, Wood, Zager, Zeigler, Mr. Speaker.

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

ABSENT - Blier, Cebra, Dolloff, Grignon, Javner, O'Connor, Paulhus, Prescott, Roche, Sharpe, Supica, Theriault. Yes, 77; No, 62; Absent, 12; Excused, 0.

77 having voted in the affirmative and 62 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 "A" (H-727)** 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-727)** and sent for concurrence.

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

Eight Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-715)** on Bill "An Act To Amend the Laws

Governing Post-conviction Review in Order To Facilitate the Fair Hearing of All Newly Discovered Evidence" (H.P. 20) (L.D. 54)

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

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-716)** on same Bill.

Signed:

Senator:

KEIM of Oxford

Representatives:

LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

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

Signed:

Representative:

HAGGAN of Hampden

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-715)**.

READ.

Representative HARNETT of Gardiner 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** 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 Friendship, Representative Evangelos.

Representative **EVANGELOS**: Thank you, Mr. Speaker and Women and Men of the House. I wanted to explain what this bill is about, the bill I've been working on with the Judiciary Committee for three years. It's an extremely important bill. And the intent of the bill is to adopt standards now used in the vast majority of states that ensure an innocent person does not sit in prison due to legal technicalities that prevent she or he from obtaining a fair due process hearing. Maine has one of the narrowest or the narrowest post-conviction appeal law because of the time limitations that are imposed on introducing new evidence. Basically, if you're stuck in prison and new evidence surfaces that would clear you, you've only got one year to bring the case forward and this is not the case in other states. Think Tim Robbins in Shawshank Redemption, you know, it's a situation like that. So, this bill provides that there is no deadline for filing a petition for post-conviction review based on the newly-

discovered evidence. However, we added a provision that the court, the judge, can require the petitioner to provide additional information about the nature of the evidence and that's to discourage frivolous claims so that we're not going to tie up the court system. And, let's face it, 95% of the people in our prison system pled. They pled guilty. They took a plea deal to reduce their sentence and they had a plea deal to plead guilty. They're not really going to have much standing in front of a judge to do a post-conviction appeal when you've already, you know, admitted responsibility. But there are a few cases and we heard compelling testimony from defense attorneys and from others, families who came forward and the compelling testimony was we do have innocent people in our prison and they cannot get a hearing because their one-year time limit expired. I discussed this problem for three years because this bill was part of the 129th, we got through the committee on it, we didn't get to the floor because it was July and then the session didn't get called back, but I have discussed this with several of our justices, including Supreme Court justices and they have told me it's too narrow, we need to fix it. But he and she said to me that's the prerogative of the Legislature. We, the judges, can't do anything about it, it's the separation of power issue.

But this is the plain language used in the other states and it's usually a Rule 30-B of criminal procedure that a trial judge may grant a new trial at any time if it appears that justice has not been done. The fundamental principal of this rule is that where it appears justice may not have been done, the valuable finality of judicial proceedings must yield to our system's reluctance to countenance significant individual injustices. Now, let's think about this for a second. We want to take care of our victims of crime but if we've got the wrong person in prison, that means the criminal is out on the streets. That doesn't help the victim or society. I want to remind everybody a bill that some of us worked on probably four or five years ago, it's the cold case homicide squad, something I supported. And the way that works is these homicides are 20, 30, 40 years old but the police produce newly-discovered evidence. We don't tell the police sorry, you missed your time limit, you should've discovered that, the one-year limit's up on introducing that evidence. No, we arrest them and we hold them accountable and a trial is held and if they're found guilty, they're held accountable. So, we're trying to level the playing field to make sure it's an equal standard for both sides. We also have a technicality that has prevented innocent defendants who are in prison from getting a hearing and it's called the due diligence standards and this is routinely used by the prosecutors because it's a technicality that's allowed under our law and this bill will also fix this injustice. But the due diligence standard goes just like this; sorry, your first lawyer should've found it and discovered it, therefore you're not going to get a hearing. So we have a time limitation on the introduction of important evidence and we have a due diligence standard where your first lawyer did a lousy job so therefore you're going to stay in prison the rest of your life. That's not fair. So, picture that it's your son or daughter and you can't even get a hearing when witnesses have come forward if the time limit has expired. And that's all we're doing with this bill. This bill started out as five pages. I worked with the Innocence Project in 2018 and '19. In order to try to get a unanimous report, we whittled it down to one page and Walter McKee, one of the State's finest attorneys, assisted the committee in producing the language. And we got the language down basically to a couple paragraphs. Newly-discovered evidence that is credible will allow you to get a hearing in front of a judge and to the court and if your first lawyer didn't do a good job, that's not a good enough reason to keep

you in prison. Thank you, Mr. Speaker, I urge everyone to pass this.

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

Representative **HAGGAN**: Thank you, Mr. Speaker. Upon hearing that you have new evidence that could free you, you have one full year to file that post-conviction year. One full year seems to me like a great deal of time. If you eliminate the one year completely, then you will find that a lot of different people are going to be finding new evidence. And when they do a post-conviction review, they have to really review everything that happened. This is extremely time-consuming, clogs up the time of the courts and we have many prisoners in the State of Maine that could super-tie up the time that our courts have. One year is plenty of time upon finding new evidence. And it was brought up in committee this time around or last time around that the process is already there. If new evidence does come up, they can review it to see if there would be enough for a post-conviction review. So, I would not be in support of this motion.

The SPEAKER: The Chair recognizes the Representative from Friendship, Representative Evangelos.

Representative **EVANGELOS**: Thank you, Mr. Speaker. Very briefly, first of all, we put a provision in this bill. Before we tie up the resources of the court that the judge first will examine the newly-discovered evidence and if it's frivolous, that's the end of the process. There is no hearing, there are no attorneys brought in, it's a simple process. Secondly, you're in the Maine State Prison. You're depressed, you have no money, you have no lawyer, you have limited phone privileges. One year is nothing. And we have right now several incarcerated individuals and one, in particular, who missed the deadline by five days. The newly-discovered evidence went by to 370 days because his attorney fouled up and the judge said I'm sorry, I can't allow you a hearing, you're five days too late. We can't keep people in prison under those standards. The other states don't do it. The code I read you is in the interest of fairness and justice. That's all this is about; leveling the playing field. And we don't hold this standard to the cold case homicide squad, we say bring it forward at any time. Twenty-year-old evidence. And with the new scientific technology, we have to allow for this process. That's the technology that's used to find the cold case homicide assaulters and hold them accountable. We don't say sorry, the year's gone by, the evidence is there but we're not going to look at it; we arrest them. And all I'm doing here is allowing that process to be available to the innocent person in prison. And this is somebody who pled innocent right through the whole process. These are people who pled innocent and said I didn't do it. They offered them a plea deal. This is what happens in these cases. We're going to offer you 30 years, we're going to offer you 20 years, I'm not taking it, I'm going to go to trial. And then you lose and you get 40 years. That's how it works, it's called the innocent penalty. If you plead innocent and refuse a plea deal, you don't get what they offer, oftentimes you get double. So there's a disincentive to even try to plead innocent, so people that are guilty take the deal and people that are innocent fight for their innocence. And I just want to give them an opportunity to prove it.

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. 366

YEA - Alley, Andrews, 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, Faulkingham, Fay, Geiger, Gere, Gramlich, Grohoski, Hanley, Harnett, Harrington, Hasenus, 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, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Skolfield, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

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

ABSENT - Blier, Cebra, Dolloff, Grignon, Javner, O'Connor, Paulhus, Prescott, Roche, Sharpe, Supica, Theriault. Yes, 88; No, 51; Absent, 12; Excused, 0.

88 having voted in the affirmative and 51 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 "A" (H-715)** 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-715)** and sent for concurrence.

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

Seven Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-717)** on Bill "An Act To Reestablish Parole" (H.P. 610) (L.D. 842)

Signed:

Senators:

CARNEY of Cumberland
KEIM of Oxford
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
LIBBY of Auburn
MORIARTY of Cumberland

Three Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-718)** on same Bill.

Signed:

Representatives:

EVANGELOS of Friendship
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Representatives:

HAGGAN of Hampden
POIRIER of Skowhegan
THORNE of Carmel

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-717)**.

READ.

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

Representative HAGGAN of Hampden **REQUESTED** a roll call on the motion to **ACCEPT** Report "B" **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 Friendship, Representative Evangelos.

Representative **EVANGELOS**: Sorry, folks; we've got to stop meeting this way. It wasn't my scheduling, it's just the way it came out. Thank you, Mr. Speaker and Women and Men of the House. Some of you may be unaware that parole in Maine was abolished in 1976. It was replaced with determinate sentencing and the discretionary powers of the Chief Executive to grant executive clemency. Maine was the first State in the union to abolish parole. 15 states followed suit in the 1970s. 34 states still use a parole board process including all other New England states and New York State. This bill will make Maine the 35th State to adopt parole. What was the result of the adoption of the May 1976 criminal code which abolished parole? The number of incarcerated men and women has shot up 400%. It costs us \$55,000 a year to hold one person in prison. These people include those with serious mental illness and drug addiction illnesses. In a February 13, 2020 New York Times article entitled It Didn't Work, states now are beginning to examine the decision to abolish parole. Quote, we thought we were fighting crime and it didn't work, said Virginia State Senator David Marsden. People are now more likely to believe that people deserve a second chance and that is what this bill is about; second chances. As the saying goes; it's not just the mistake you make, it's what you do afterwards that counts.

Parole demands a process of accountability and redemption as part of the incarcerated individual's petition before the parole board. Victims of crime are part of the process and their voices are heard loud and clear in front of the parole board. Some victims will understandably fight the parole process while others around the country encounter the petitioner through restorative justice, enabling forgiveness. These are difficult discussions and the parole board takes these matters into consideration when evaluating a petitioner. And in the other states I've studied, some of the worst of the worst situations, they never make it, the parole board simply says sorry, the crime was too serious and while you're entitled to apply, we're not going to release you. But we must come to terms with an obvious fact. Are we running the Department of Incarceration

and Punishment or are we operating a real corrections and improvement system? A system that allows a person to reenter society as a productive individual. On that score, Maine stands dead-last in the country. The University of Minnesota Robina Institute of Justice rated Maine as the harshest sentencing State in the country. Combined with no parole, the Prison Policy Initiative gave Maine an F- for its prison release system. In addition, the Pew Research Trust ranked Maine 49th out of 50 states for its prison release system, with a whopping 63.4% of its prison residents being released unprepared for life outside without supervision or support. This is the primary factor of why we have high recidivism here. Parole changes that dynamic. A successful petitioner serves out the remainder of their prison sentence under the direct supervision of the probation and parole department. A serious violation of the terms of your prison release lands you back in prison to serve out the remainder of your sentence. And let's be clear about something; parole is not a pardon; it is a continuation of your sentence under the supervision of the Department of Corrections. If you appear before the parole board and attempt to deflect responsibility for your crime, it results in immediate disqualification. If your petition is denied, you are allowed to reapply only after two years. Let's keep in mind and I used to go to the State prison quite a bit, mentoring, before COVID, many of the people in our prisons committed their mistakes when they were 18-20 years old, before their minds had matured and their brains were fully developed. And let me give you an example of how broken our system is. My friend here and I get sentenced to prison the same day for 30 years. He goes to work in prison and gets a job inside the walls, he goes to college, earns a Bachelor's degree. He works in hospice and helps other prisoners. I sit around and play cards all day and do nothing. We get out of prison the same day and that's a broken system.

This bill in front of you will make current and future residents eligible for a parole hearing for a sentence of 25 years or more only after you've served at least 20 years before you can even apply. For shorter sentences, you must have served half your sentence before you qualify for application and hearing. The system that replaced parole, executive clemency, has failed. And that was the system. We got rid of parole, we adopted a new criminal code and they set up an executive clemency process. It's a four-member board. Since 1976, when parole was abolished, how many residents of Maine prisons have been granted clemency? None. Not one. Last year, I sponsored an executive clemency petition for Brandon Brown, who resides in Warren at the prison. Brandon has been admitted into Virginia's George Mason University's PhD program to earn his doctorate; a doctorate in criminal justice and conflict resolution. He has two years left remaining in his sentence. Brandon's victim wrote a letter of forgiveness and asked he be released to attend college. Three PhD professors, District Attorney Natasha Irving, the University of Maine Rockland's director and I all testified. Brandon holds a 4.0 average in all of his studies. He works in the hospice program. Sorry. And he mentors the other residents in the prison to improve their lives. Despite all of this, his petition was denied. And as I was quoted in the press last summer; if Brandon Brown doesn't qualify for executive clemency, nobody ever will. After I filed the parole bill, I received about a hundred letters from prison, from the residents, demonstrating their redemption, accountability and asking for forgiveness and a second chance. These are difficult letters to read, Mr. Speaker. Think our current system hasn't failed? I received a letter from the women's prison in Windham; the women here have mostly pristine behavior

records. They attend classes, hold many jobs and positions of privilege. The staff looks to these residents for guidance and information. We are trusted and respected. All of these women had lives, families, careers and college educations. Most had never been in trouble before that one-time event and feel deep remorse. Why should we not give them a second chance for life? But for me, however, she told me, I ask that you bring back the death penalty. My sentence is more cruel than death. What benefit is society to keep me alive? For God's sake, Mr. Speaker.

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

Representative **MORIARTY**: Thank you, Mr. Speaker and good afternoon, fellow Members of the House. Mr. Speaker, I wonder if I may present a question to my good friend and Committee Chair, the Representative from Gardiner?

The SPEAKER: The Member may proceed.

Representative **MORIARTY**: Mr. Speaker, my question is whether Committee Amendment "A" would in fact transform the bill from a bill to a resolve, which would create or establish a commission to study the issue of parole with a report date of December 2021 and with authority to the Judiciary Committee to report out a bill in the second session?

The SPEAKER: The member has posed a question to the Committee Chair, Representative Harnett of Gairdner. The Member may answer.

Representative **HARNETT**: Thank you, Mr. Speaker. My colleague, the Representative from Cumberland, is correct. That is what Committee Amendment "A" does.

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

Representative **MORIARTY**: I will vote in opposition to the matter that's pending before the body at this point. I'd like to say some things about why I support Committee Amendment "A" but this is probably not the time to do so as it is not pending before the body.

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

Representative **LIBBY**: Thank you, Mr. Speaker. I agree with the Good Representative from Friendship that we need to reexamine our policies around parole. We need to do it in a thoughtful and intentional manner and, simply put, I don't believe that report B will do that. Would the Clerk please read the Committee Report?

Representative **LIBBY** of Auburn **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 Hampden, Representative Haggan.

Representative **HAGGAN**: Thank you, Mr. Speaker. When I was in high school, a good friend of mine was murdered. The person who did that has been apprehended and sentenced appropriately. Because of the system that we have right now, the victims' voices have been heard and this person, the sentence will be met completely. I've had three friends in high school killed by a drunk driver driving on the wrong side of the interstate. That person went to prison for many years and served out the entire term. Had there been parole, closure for the victims would not have existed. There are many, many, many victims in our society who did not ask to be hurt by these people who are incarcerated who have gone through the system properly and been sentenced and that carried out. Under our system today, these victims' voices have been heard and there

is a tentative closure for these people. Parole will create great uncertainty and you never know, according to the victim, when the judge may or may not allow this. I think that parole at this point of our way of life here in Maine is not the way to go right now. I do appreciate the feelings of the lives of the people that are incarcerated, but it was their decisions and their actions that put them there and the voice of the victims must be heard also in this and closure is a very important thing that can be granted by the system that we have. Of course, the Chief Executive does have the power to issue clemency when the Chief Executive sees fit and, for me, that seems to be the way to go. So, I will be voting in opposition to this motion. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Eddington, Representative Lyford.

Representative **LYFORD**: Thank you, Mr. Speaker. I'd like to pose a question.

The SPEAKER: The Member may proceed.

Representative **LYFORD**: Who supported this bill; sheriff's department, the State Police, the investigating detectives? I'd like to know if they could answer that. Thank you, sir.

The SPEAKER: The Representative from Eddington, Representative Lyford has posed a question to any member who may care to respond. Seeing none, a roll call has been ordered. The pending question before the House is Acceptance of Report "B" Ought to Pass as Amended. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 367

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

NAY - Alley, Arata, Austin, Bernard, Bickford, Bradstreet, Caiazzo, Carlow, Carmichael, Cloutier, Collamore, Connor, Corey, Costain, Dillingham, Downes, Drinkwater, Ducharme, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hepler, Hutchins, Hymanson, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Moriarty, Morris, Nadeau, Newman, Ordway, Parry, Perkins, Pickett, Poirier, Quint, Rudnicki, Sachs, Salisbury, Sampson, Stanley, Stearns, Stetkis, Thorne, Tuell, Underwood, Wadsworth.

ABSENT - Blier, Cebra, Dolloff, Grignon, Javner, O'Connor, Paulhus, Prescott, Roche, Sharpe, Supica, Theriault, White.

Yes, 76; No, 62; Absent, 13; Excused, 0.

76 having voted in the affirmative and 62 voted in the negative, with 13 being absent, and accordingly Report "B" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-718)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-718)** and sent for concurrence.

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

Seven Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-720)** on Bill "An Act To Amend the Law Regarding Advance Health Care Directives" (EMERGENCY) (H.P. 822) (L.D. 1144)

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

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

Five Members of the same Committee report in Report "B" **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

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-721)** on same Bill.

Signed:

Representative:

BABBIDGE of Kennebunk

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-720)**.

READ.

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

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

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

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

Representative **LIBBY**: I rise in opposition to the pending motion. I have significant concerns around due process, consistency, accountability and ensuring that the patient's will is done around this bill.

Testimony against this bill says it best; while maybe with noble intent, LD 1144 ought not to pass as it leaves the possibility of opportunities for fraud, exploitation and abuse of the process. A significant reason this is even needed is because Maine hospitals are largely still not allowing visitation beyond one hour --

The SPEAKER: The Member will defer. The House will be in order. The Member may proceed.

Representative **LIBBY**: A significant reason this is even needed is because Maine hospitals are largely still not allowing visitation beyond one hour per day per patient, which leaves a huge lack in accountability.

Throughout my career in the ICU, I witnessed a patient's signatures on many advanced directives and other consent forms in a variety of isolation settings safely. The existing protocols provide greater oversight and have less margin for error. Please follow my light and vote against 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. 368

YEA - Alley, 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, 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, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

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

ABSENT - Blier, Cebra, Dolloff, Grignon, Javner, O'Connor, Paulhus, Prescott, Roche, Sharpe, Supica, Theriault, White.

Yes, 78; No, 60; Absent, 13; Excused, 0.

78 having voted in the affirmative and 60 voted in the negative, with 13 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-720)** 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-720)** and sent for concurrence.

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

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Amend the Child Endangerment Laws To Include Certain Unauthorized Access to a Loaded Firearm"

(H.P. 564) (L.D. 759)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-292) in the House on June 10, 2021.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-292) AS AMENDED BY SENATE AMENDMENT "A" (S-297)** thereto in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act Relating to Personnel Working in Public Safety"

(H.P. 806) (L.D. 1128)

Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-341)** in the House on June 3, 2021.

Came from the Senate with the Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-340)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

An Act To Create the Maine Rental Assistance and Guarantee Program

(H.P. 347) (L.D. 473)

(C. "A" H-488)

PASSED TO BE ENACTED in the House on June 10, 2021.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-488) AS AMENDED BY SENATE AMENDMENT "A" (S-286)** thereto in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

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

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

House **INSISTED** on its former action whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417)** in the House on June 16, 2021.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417) AS AMENDED BY SENATE AMENDMENT "A"**

(S-306) thereto and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Keep All Maine Students Safe by Restricting the Use of Seclusion and Restraint in Schools"

(H.P. 1007) (L.D. 1373)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-545)** in the House on June 14, 2021.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative MILLETT of Cape Elizabeth, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

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:

(H.P. 639) (L.D. 871) Bill "An Act To Clarify Certain Provisions Regarding the Marijuana Excise Tax" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass**

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

There being no objection, the House Paper were **PASSED TO BE ENGROSSED** and sent for 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 Protect Maine Consumers from Unsupported Price Increases on Prescription Medicines

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

(C. "B" S-290)

An Act To Protect Taxpayers in the Privatization of Services and To Establish the State Procurement Review Committee

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

(C. "A" S-309)

An Act To Prevent Excessive Prices for Prescription Drugs

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

(C. "B" S-283)

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.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Protect Women's Single-sex Shelters"

(S.P. 406) (L.D. 1238)

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-346)** 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.

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** with the exception of matters being held.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-337)** on Bill "An Act To Improve Judicial Branch Facilities in Hancock County"

(S.P. 548) (L.D. 1692)

Signed:

Senators:

CARNEY of Cumberland
KEIM of Oxford
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
MORIARTY of Cumberland
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:

Representatives:

HAGGAN of Hampden
POIRIER of Skowhegan

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-337)**.

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-337)** 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-337)** in concurrence.

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

Seven Members of the Committee on **VETERANS AND LEGAL AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-343)** on Bill "An Act To Regulate Sports Betting"

(S.P. 437) (L.D. 1352)

Signed:

Senator:

FARRIN of Somerset

Representatives:

CAIAZZO of Scarborough
HARRINGTON of Sanford
McCREIGHT of Harpswell
RIELLY of Westbrook
SUPICA of Bangor
TUTTLE of Sanford

Three Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (S-344)** on same Bill.

Signed:

Representatives:

COREY of Windham
DOLLOFF of Milton Township
KINNEY of Knox

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (S-345)** on same Bill.

Signed:

Senator:

LUCHINI of Hancock

Representative:

WOOD of Portland

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

Signed:

Senator:

HICKMAN of Kennebec

Comes 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 "A" (S-343)**.

READ.

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** Report "A" **Ought to Pass as Amended** and later today assigned.

ENACTORS

Emergency Measure

Resolve, To Establish the Proportional Fines Commission
(H.P. 1213) (L.D. 1630)
(C. "A" H-668)

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

Representative DILLINGHAM of Oxford **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Final Passage. All those in favor will vote yes, those opposed will vote no.

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

ROLL CALL NO. 369

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, Hasenfuls, 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, Sylvester, Talbot Ross, Tepler, Terry, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Arata, Austin, Bernard, Bickford, Bradstreet, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Mason, Millett, Morris, Nadeau, Newman, Ordway, Parry, Perkins, Pickett,

Poirier, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Thorne, Tuell, Underwood, Wadsworth.

ABSENT - Alley, Blier, Cebra, Dolloff, Grignon, Javner, O'Connor, Paulhus, Prescott, Roche, Sharpe, Supica, Theriault, Tucker, White.

Yes, 80; No, 56; Absent, 15; Excused, 0.

80 having voted in the affirmative and 56 voted in the negative, with 15 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent for concurrence.

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

Acts

An Act To Adopt the Occupational Therapy Licensure Compact
(S.P. 39) (L.D. 31)
(C. "A" S-305)

An Act To Encourage Research To Support the Maine Offshore Wind Industry
(S.P. 142) (L.D. 336)
(C. "A" S-317)

An Act To Clarify Funding for Civil Legal Services
(S.P. 189) (L.D. 483)
(C. "A" S-320)

An Act To Establish a Statewide Electronic Warrant System
(S.P. 266) (L.D. 679)
(C. "A" S-315)

An Act To Create the Crime of Aggravated Sex Trafficking of a Person 14 Years of Age or Younger
(S.P. 162) (L.D. 813)
(C. "A" S-324)

An Act To Improve the Investigation and Prosecution of Cases That Involve Vulnerable Road Users
(S.P. 208) (L.D. 821)
(S. "A" S-296 to C. "A" S-186)

An Act To Limit Reincarceration for Persons on Probation
(H.P. 626) (L.D. 858)
(H. "A" H-683 to C. "A" H-678)

An Act To Amend State Laws Relating to Net Energy Billing and the Procurement of Distributed Generation
(H.P. 692) (L.D. 936)
(S. "A" S-326 to C. "A" H-638)

An Act To Authorize Expanded Deferred Disposition Requirements
(S.P. 309) (L.D. 957)
(C. "A" S-331)

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
(S.P. 326) (L.D. 1036)
(C. "A" S-302)

An Act To Establish a Conviction Integrity Unit in Maine
(H.P. 933) (L.D. 1273)
(C. "A" H-674)

An Act To Require the Use of Homelessness Crisis Protocols by Law Enforcement Agencies
(H.P. 1093) (L.D. 1478)
(C. "A" H-663)

An Act To Ensure Access to and Availability of Violence Intervention Services To Reduce Domestic Violence in Maine
(S.P. 478) (L.D. 1491)
(C. "A" S-318)

An Act To Provide That Maine's School Bus Drivers Are Eligible for Unemployment Insurance
(S.P. 486) (L.D. 1509)
(C. "A" S-292)

An Act To Establish the Maine Workforce, Research, Development and Student Achievement Institute
(S.P. 490) (L.D. 1517)
(C. "A" S-329)

An Act To Make Donated Medicines Available to Maine Patients at an Affordable Cost
(S.P. 508) (L.D. 1584)
(C. "A" S-304)

An Act To Amend the Victim Services Laws To Define "Restorative Justice"
(H.P. 1206) (L.D. 1617)
(C. "A" H-676)

An Act To Help Seniors and Certain Persons with Disabilities Remain in Their Homes by Providing for the Deferral of Property Taxes
(S.P. 522) (L.D. 1638)
(C. "A" S-335)

An Act To Establish Protections for Private Student Loan Borrowers and a Registry of Lenders
(S.P. 530) (L.D. 1645)
(C. "A" S-303)

An Act To Support Working Families through Outreach and Education about Tax Credits for Persons of Low Income
(S.P. 538) (L.D. 1651)
(C. "A" S-299)

An Act To Improve Consistency in Terminology and within the Maine Human Rights Act
(S.P. 544) (L.D. 1688)
(C. "A" S-323)

An Act To Amend the Bail Code
(H.P. 1266) (L.D. 1703)
(C. "A" H-677)

An Act To Revitalize Maine's Paper Industry through the Establishment of an Income Tax Credit for Paper Manufacturing
(S.P. 566) (L.D. 1713)
(C. "A" S-300)

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, Establishing the Commission To Study the Role of Water as a Resource in the State of Maine
(H.P. 1166) (L.D. 1569)
(C. "A" H-644)

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

An Act To Protect Farm Workers by Allowing Them To Organize for the Purpose of Collective Bargaining
(H.P. 107) (L.D. 151)
(C. "A" H-679)

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

On motion of Representative DILLINGHAM of Oxford, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 370

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, 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, Bradstreet, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Johansen, Kinney, Kryzak, Landry, Lemelin, Libby, Lyford, Lyman, Martin J, Martin R, Martin T, Mason, Millett, Morris, Nadeau, Newman, Ordway, Parry, Perkins, Pickett, Poirier, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Thorne, Tuell, Underwood, Wadsworth.

ABSENT - Alley, Blier, Cebra, Dolloff, Fay, Grignon, Javner, O'Connor, Paulhus, Prescott, Roche, Sharpe, Supica, Theriault, White.

Yes, 76; No, 60; Absent, 15; Excused, 0.

76 having voted in the affirmative and 60 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent for concurrence.

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

ENACTORS

Emergency Measure

An Act To Combat the Sexual Exploitation of Minors in Maine

(H.P. 390) (L.D. 545)
(C. "A" H-702)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Continue Temporary Modification of Certain In-person Notarization and Acknowledgement Requirements and

Developing Permanent Implementation of Remote and Online Notarization

(H.P. 1033) (L.D. 1399)
(C. "A" H-709)

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. 105 voted in favor of the same and 4 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Improve the Provision of Indigent Legal Services

(H.P. 1256) (L.D. 1687)
(C. "A" H-707)

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.

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

Mandate

An Act To Require Coverage for Female Firefighters Facing Reproductive System Cancer

(H.P. 148) (L.D. 213)
(C. "A" H-140; H. "B" H-686)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. 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. 105 voted in favor of the same and 10 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Acts

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)
(C. "A" H-705)

An Act To Make Comprehensive Substance Use Disorder Treatment Available to Maine's Incarcerated Population

(H.P. 490) (L.D. 663)
(C. "A" H-665)

An Act To Enhance and Improve the Maine Developmental Services Oversight and Advisory Board and To Establish the Aging and Disability Mortality Review Panel

(H.P. 526) (L.D. 716)
(C. "A" H-660)

An Act To Examine and Amend the Conditions of Release and Probation

(H.P. 612) (L.D. 844)
(C. "A" H-704)

An Act To Have Maine Join the Interstate Psychology Interjurisdictional Compact

(H.P. 631) (L.D. 863)
(C. "A" H-661)

An Act To Ensure Culturally Informed Programs and Services for Adjudicated Juveniles in the Custody of the Department of Corrections

(H.P. 709) (L.D. 963)
(H. "A" H-656 to C. "A" H-619)

An Act To Amend the Maine Bail Code Regarding Certain Conditions of Release

(H.P. 812) (L.D. 1134)
(C. "A" H-703)

An Act To Require County Governments To Coordinate with Municipalities To Create Plans To Address Homelessness

(H.P. 956) (L.D. 1300)
(C. "A" H-699)

An Act To Provide Funding for the Maine Civil Legal Services Fund

(H.P. 978) (L.D. 1326)
(C. "A" H-706)

An Act To Create the Maine Health Care Provider Loan Repayment Program

(H.P. 979) (L.D. 1327)
(H. "A" H-725 to C. "A" H-694)

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)

An Act To Expand Youth-led Perspectives in Economic and Workforce Development through the Maine Development Foundation's Realize Maine Network

(H.P. 1107) (L.D. 1497)
(C. "A" H-712)

An Act To Limit Access to Juvenile Case Records and Protect the Confidentiality of Juvenile History Record Information

(H.P. 1247) (L.D. 1676)
(C. "A" H-691)

An Act To Protect the Constitutional Rights of Indigent Defendants

(H.P. 1254) (L.D. 1685)
(C. "A" H-692)

An Act To Implement a Geographically Limited Public Defender Office

(H.P. 1255) (L.D. 1686)
(C. "A" H-700)

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

Resolves

Resolve, Directing the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations To Examine Restorative Justice

(H.P. 897) (L.D. 1226)
(C. "A" H-701)

Resolve, To Provide Add-on Payments for Ambulance Services Reimbursed by the MaineCare Program and To Increase Reimbursement Rates for Physical Therapy and Occupational Therapy under the MaineCare Program

(H.P. 1085) (L.D. 1469)
(C. "A" H-662)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, 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.

Acts

An Act To Provide the Right to Counsel for Juveniles and Improve Due Process for Juveniles

(H.P. 224) (L.D. 320)
(C. "A" H-698)

An Act Regarding the Statute of Limitations for Injuries or Harm Resulting from Perfluoroalkyl and Polyfluoroalkyl Substances

(H.P. 261) (L.D. 363)
(C. "A" H-690)

An Act To Create Gaming Equity and Fairness for the Native American Tribes in Maine

(H.P. 399) (L.D. 554)
(C. "A" H-713)

An Act To Align the Preconviction and Post-conviction Discretionary Deductions for Time Served

(H.P. 593) (L.D. 788)
(C. "A" H-689)

An Act To Clarify the Rule-making Authority of the Supreme Judicial Court Concerning Electronic Records and Filing

(S.P. 357) (L.D. 1096)

An Act To Authorize a Monument to the Victims of and First Responders to COVID-19

(S.P. 386) (L.D. 1123)
(C. "A" S-334)

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)
(H. "A" H-697 to C. "A" H-608)

An Act To Discontinue the Use of the Terms "Handicap," "Handicapped" and "Hearing Impaired" in State Laws, Rules and Official Documents

(H.P. 987) (L.D. 1336)
(C. "A" H-688)

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

(H.P. 1024) (L.D. 1390)
(C. "A" H-684)

An Act To Require Prompt and Effective Use of the Renewable Energy Resources of Northern Maine

(S.P. 563) (L.D. 1710)
(S. "A" S-339 to C. "A" S-325)

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 Convene a Working Group To Study Possible Solutions for Families Facing Emergency Child Custody Situations

(S.P. 446) (L.D. 1577)
(C. "A" S-336)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, 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.

SENATE PAPERS

Non-Concurrent Matter

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)

Majority (10) **OUGHT TO PASS AS AMENDED** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-673)** in the House on June 16, 2021.

Came from the Senate with the Minority (3) **OUGHT NOT TO PASS** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Speaker 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. 371

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

NAY - Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Dodge, Doore, Doudera, Dunphy, Evangelos, Evans, Faulkingham, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenafus, Hepler, Hymanson, Johansen, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, 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.

ABSENT - Alley, Blier, Cebra, Cuddy, Dolloff, Grignon, Javner, O'Connor, Paulhus, Perry, Prescott, Roche, Sharpe, Supica, Theriault, White.

Yes, 56; No, 79; Absent, 16; Excused, 0.

56 having voted in the affirmative and 79 voted in the negative, with 16 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 Campground Owners Limited Civil Liability from the Inherent Risks of Camping"

(S.P. 316) (L.D. 986)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** in the House on June 16, 2021.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **JUDICIARY was READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-322)** in **NON-CONCURRENCE**.

Speaker 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. 372

YEA - Andrews, Arata, Austin, Bernard, Bickford, Bradstreet, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, 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, Ordway, Parry, Perkins, Pickett, Poirier, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stetkis, Thorne, Tuell, Underwood, Wadsworth.

NAY - 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, Grohoski, Harnett, Hasenafus, Hymanson, Kessler, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, O'Connell, O'Neil, Osher, Pebworth, Perry, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Stearns, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

ABSENT - Alley, Blier, Cebra, Cuddy, Dolloff, Grignon, Hanley, Javner, O'Connor, Paulhus, Perry, Prescott, Roche, Sharpe, Supica, Theriault, White.

Yes, 59; No, 75; Absent, 17; Excused, 0.

59 having voted in the affirmative and 75 voted in the negative, with 17 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, 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.

ENACTORS
Emergency Measure

An Act To Amend the Maine Medical Use of Marijuana Act
(H.P. 908) (L.D. 1242)
(C. "A" H-681)

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. 104 voted in favor of the same and 11 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Create the Maine Rental Assistance and Guarantee Program
(H.P. 347) (L.D. 473)
(S. "A" S-286 to C. "A" H-488)

An Act To Amend the Child Endangerment Laws To Include Certain Unauthorized Access to a Loaded Firearm
(H.P. 564) (L.D. 759)
(S. "A" S-297 to C. "A" H-292)

An Act To Provide Equal Access to the Benefits of the Maine Food Sovereignty Act
(S.P. 306) (L.D. 954)
(H. "A" H-722 to C. "A" S-88)

An Act To Phase Out Insurance Rating Based on Smoking History
(H.P. 828) (L.D. 1150)
(C. "A" H-609)

An Act To Improve Judicial Branch Facilities in Hancock County
(S.P. 548) (L.D. 1692)
(C. "A" S-337)

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 Create the Working Group To Design Jail Resource Navigator Services for Maine County Jails
(H.P. 747) (L.D. 1009)
(H. "A" H-667 to C. "A" H-218)

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

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

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

Bill "An Act To Keep All Maine Students Safe by Restricting the Use of Seclusion and Restraint in Schools"
(H.P. 1007) (L.D. 1373)

Which was **TABLED** by Representative MILLETT of Cape Elizabeth pending **FURTHER CONSIDERATION**.

On motion of Representative MILLETT of Cape Elizabeth the House moved to **RECEDE**.

Representative MILLETT of Cape Elizabeth **PRESENTED House Amendment "B" (H-729) to Committee Amendment "A" (H-545)**, which was **READ** by the Clerk.

Representative DILLINGHAM of Oxford **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-729) to Committee Amendment "A" (H-545)**.

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-729) to Committee Amendment "A" (H-545). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 373

YEA - Arford, Babbidge, Bailey, Bell, 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, 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 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, Bradstreet, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, Downes, Drinkwater, Ducharme, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Hutchins, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, Ordway, Parry, Perkins, Pickett, Poirier, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Alley, Berry, Blier, Cebra, Cuddy, Dolloff, Faulkingham, Fecteau, Grignon, Head, Javner, O'Connor, Paulhus, Prescott, Roche, Sharpe, Supica, Theriault.

Yes, 78; No, 55; Absent, 18; Excused, 0.

78 having voted in the affirmative and 55 voted in the negative, with 18 being absent, and accordingly **House Amendment "B" (H-729) to Committee Amendment "A" (H-545) was ADOPTED**.

Committee Amendment "A" (H-545) as Amended by House Amendment "B" (H-729) thereto was ADOPTED.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-545) as Amended by House Amendment "B" (H-729) 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.

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

SENATE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (S-338)** - Minority (3) **Ought Not to Pass** - Committee on **JUDICIARY** on

Bill "An Act To Limit Qualified Immunity of Law Enforcement Officers in Maine Civil Rights Act Claims

(S.P. 466) (L.D. 1416)

Which was **TABLED** by Representative DILLINGHAM of Oxford pending the motion of Representative HARNETT of Gardiner to **ACCEPT** the Majority **Ought to Pass as Amended** Report. (Roll Call Ordered)

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

Representative **POIRIER**: Thank you, Mr. Speaker. I stand opposed to the pending motion and in total support of our police officers. A study of qualified immunity is unnecessary. With or without qualified immunity, no officer is above the law. Any officer who knowingly violates the law is subject to criminal charges, internal investigation, discipline or termination. What qualified immunity does is protect our officers from civil litigation. Mr. Speaker, you and I have similar immunity in the decisions we make in this very body; decisions that impact all people in Maine. In committee hearing and work session, it was mentioned that officers could obtain a personal liability policy for suits brought against them. Mr. Speaker, as a licensed insurance producer of over a decade, I can assure you that no such policy exists for officers. The motion before us to study the possible changes of qualified immunity is not needed and sends a message of no confidence to the very officers who have helped keep Maine a State with one of the lowest crime rates in the country. Our police force is already struggling with recruitment and we cannot afford to lose the very people who put their lives in harm's way to keep us safe every day. Mr. Speaker, I support our law enforcement officers and I hope that you will, too. Thank you.

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

Representative **MORIARTY**: Thank you, Mr. Speaker and good evening, Members of the House. As I did several hours ago, Mr. Speaker, I'd like permission to ask a question of my good friend and committee chair, the Representative from Gardiner.

The **SPEAKER**: The Representative may proceed.

Representative **MORIARTY**: My question is whether Committee Amendment "A" in fact transforms this bill into a resolve, creating a workforce or a taskforce to study the issue of qualified immunity, with a report date of December 2021 and with authority to Judiciary to report out a bill in the second session.

The **SPEAKER**: The member has posed a question to the Committee Chair, Representative Harnett of Gardiner. The Member may answer.

Representative **HARNETT**: Thank you, Mr. Speaker. Mr. Speaker, my colleague from Cumberland is correct in his reading of the resolve.

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

Representative **HAGGAN**: Thank you, Mr. Speaker. I also stand opposed to this bill and echo all the words of our colleague from Skowhegan. Mr. Speaker, as I did look at the amendment, looked at the impending taskforce, it appears that potentially the membership could be less than partisan. It is my hope that as the taskforce is put together, an equal bipartisan membership will be assembled of the 15-member panel. It is also my hope that stakeholders who would benefit from both sides would be placed on the taskforce. Thank you very much.

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. 374

YEA - Arford, Babbidge, Bailey, Bell, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, 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, Pebworth, Perry, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

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

ABSENT - Alley, Berry, Blier, Cebra, Cuddy, Dolloff, Faulkingham, Fecteau, Grignon, Head, Javner, O'Connor, Paulhus, Prescott, Roche, Sharpe, Supica, Theriault.

Yes, 72; No, 61; Absent, 18; Excused, 0.

72 having voted in the affirmative and 61 voted in the negative, with 18 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-338)** was **READ** by the Clerk.

Representative **RUDNICKI** of Fairfield **PRESENTED House Amendment "A" (H-733) to Committee Amendment "A" (S-338)**, which was **READ** by the Clerk.

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

Representative **RUDNICKI**: Mr. Speaker, this is a simple and commonsense amendment that will require that the taskforce study qualified immunity defense as it applies to all covered individuals, not just police officers. The membership of the taskforce is increased by four members to incorporate organizations representing relevant stakeholder groups and involved individuals to be appointed by the Chief Executive and the Supreme Judicial Court. I ask that you join me in ensuring the study of this issue is thorough and all-encompassing. Thank you.

Representative **DUNPHY** of Old Town moved that **House Amendment "A" (H-733) to Committee Amendment "A" (S-338)** be **INDEFINITELY POSTPONED**.

Representative **DILLINGHAM** of Oxford **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-733) to Committee Amendment "A" (S-338)**.

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 Sanford, Representative Harrington.

Representative **HARRINGTON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm a little surprised that we would choose to indefinitely postpone this measure. I think what's good for the goose is good for the gander and the fact that we can do this for one segment of the population and not

accept that maybe all public employees should be under the same microscope is a little disturbing. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-733) to Committee Amendment "A" (S-338). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 375

YEA - Arford, Bailey, Bell, 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, 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 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, Babbidge, Bernard, Bickford, Bradstreet, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, Downes, Drinkwater, Ducharme, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Hutchins, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, Ordway, Parry, Perkins, Pickett, Poirier, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Alley, Berry, Blier, Cebra, Cuddy, Dolloff, Faulkingham, Fecteau, Grignon, Head, Javner, O'Connor, Paulhus, Prescott, Roche, Sharpe, Supica, Theriault.

Yes, 77; No, 56; Absent, 18; Excused, 0.

77 having voted in the affirmative and 56 voted in the negative, with 18 being absent, and accordingly **House Amendment "A" (H-733) to Committee Amendment "A" (S-338) was INDEFINITELY POSTPONED.**

Representative HARRINGTON of Sanford **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (S-338).**

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 Committee Amendment "A" (S-338). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 376

YEA - Arford, Babbidge, Bailey, Bell, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, 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, Pebworth, Perry, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Arata, Austin, Bernard, Bickford, Bradstreet, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, Downes, Drinkwater, Ducharme, Fay, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Hutchins, Johansen, Kinney, Kryzak, Landry, Lemelin, Libby, Lyford, Lyman, Martin J, Martin R, Martin T, Mason, Millett, Morris, Nadeau, Newman, Ordway, Parry, Perkins, Perry, Pickett, Poirier, Quint, Rudnicki, Sampson,

Skolfield, Stanley, Stearns, Stetkis, Thorne, Tuell, Tuttle, Underwood, Wadsworth, White.

ABSENT - Alley, Berry, Blier, Cebra, Cuddy, Dolloff, Faulkingham, Fecteau, Grignon, Head, Javner, O'Connor, Paulhus, Prescott, Roche, Sharpe, Supica, Theriault.

Yes, 72; No, 61; Absent, 18; Excused, 0.

72 having voted in the affirmative and 61 voted in the negative, with 18 being absent, and accordingly **Committee Amendment "A" (S-338) 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-338) 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.

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 (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-680)** - Committee on **JUDICIARY** on Bill "An Act To Eliminate Qualified Immunity for Police Officers"

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

TABLED - June 16, 2021 (Till Later Today) by Representative HARNETT of Gardiner.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Subsequently, on motion of Representative HARNETT of Gardiner, 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.

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-215)** - Minority (5) **Ought Not to Pass** - Committee on **LABOR AND HOUSING** on Bill "An Act To Improve Public Sector Labor Relations by Amending the Laws Governing Arbitration under Certain Public Employees Labor Relations Laws"

(S.P. 264) (L.D. 677)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-215).**

TABLED - June 10, 2021 (Till Later Today) by Representative SYLVESTER of Portland.

PENDING - Motion of same Representative to **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, Ladies and Gentlemen of the House. I oppose this particular bill. What it does, even though it's been stripped, the public employee right to strike has been stripped from the bill by amendment, it still calls for binding arbitration. And what that will do, it will take the power and the authority and responsibility of the local schoolboards and other local boards away from them and give it to an arbitrator. That's undermining local control; it should never happen. I urge you in joining me to vote against this motion. Thank you, Mr. Speaker.

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

Representative **MORRIS**: Thank you, Mr. Speaker. As a member of the Labor and Housing Committee, we did hear testimony from Julie Armstrong, chief counsel of the Bureau of Human Resources, Department of Administrative and Financial Services in opposition of this bill and I just want to read a little bit of that. It is the position of the administration that salaries, pensions and insurance comprise a significant portion of most operating budgets and that decisions to tax and spend public funds must remain in the hands of citizens of Maine and their elected representatives. Turning over this responsibility to arbitrators runs counter to this principle of representative democracy. Private arbitrators are not elected and are not accountable to taxpayers or to the public. For this reason, our State has repeatedly rejected this approach to labor relations in the public sector. I ask this body to reject this motion. Thank you.

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

Representative **SYLVESTER**: Thank you, Mr. Speaker. No employer loves arbitration. But here's a secret; no union loves arbitration. Reaching the point of arbitration means that you have failed. You have failed to communicate your priorities, you have failed to negotiate to consensus, you have failed to impress upon the other side the seriousness of your positions and the willingness to find middle ground. When I think about my jurisdiction, District 37, I know that on both sides the groups are willing to come together. That they are willing to sit down, that they are willing to communicate with one another and they are willing to find consensus at the end of the day and not turn over, as the Good Representative from Turner characterized it, their destiny to a neutral third party. Now, forget that these neutral third parties have been through hundreds of these kinds of contract fights, that they are experts in what they do, that they are used to hearing the smoke from both sides. But nobody wants to do that. And I think the question that everyone here today has to ask themselves is do I live in a district that seeks to fail, that seeks to not find consensus, that seeks to put proposals on the table that will never reach consensus. I know I do not live in such a district, Mr. Speaker and that arbitration will keep both sides at the table seeking that consensus, knowing that they do not want what they do not want, which is to reach binding arbitration. Thank you, Mr. Speaker.

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

Representative **DRINKWATER**: Thank you, Mr. Speaker. If you believe that teachers, policemen, oh, I'm sorry, not policemen, I take that back, Mr. Speaker, but if you believe that teachers should be able to strike, this is your bill. Mr. Speaker, as we heard previous testimony about legal reps for the administration coming down and speaking to us, I would just like to read a little bit from a letter that was sent and Julie Armstrong, I think we heard this before, came down and spoke to us. She's the chief counsel, Bureau of Human Resources; it's the position of the administration and this is a quote, Mr. Speaker, that salaries, pensions and insurance comprise a significant portion of most operating budgets and that the decisions to tax and spend public funds must remain in the hands of the citizens of Maine and their elected representatives. Turning over this responsibility to arbitrators run counter to this principle of representative democracy. Julie Flynn, legislative analyst for the administrative courts writes; if judicial employees were to go on strike, the citizens of Maine would be deprived of access to justice and the pandemic has demonstrated just how serious those consequences are. Mr. Speaker, if I may pose a question through you?

The SPEAKER: The Member may proceed.

Representative **DRINKWATER**: I have in my possession the veto letter from the Chief Executive in the 129th on this particular situation that she vetoed last year. Would it be appropriate for me to quote from that letter? The Chief Executive; I'm sorry, Mr. Speaker.

The SPEAKER: The Chair would advise the Member to use the word Chief Executive, thank you. The Chair would rule that so long as the subject matter of the letter is related to the topic at hand, The Member may proceed.

Representative **DRINKWATER**: It is, Mr. Speaker and I just have a couple quick quotes from this letter; under current law, the dominant cost items of salaries, pensions and insurance for all these employees are subject to collective bargaining but not to binding arbitration. To delegate the private binding arbitrator's authority to set these amounts is the forfeit of fundamental function and responsibility of our schoolboards, city councils, town selectboards, boards of trustees and government branch leaders. Forfeiting this responsibility is contrary to the principles of representative democracy, end-quote. Mr. Speaker, if we could ever come together and agree on one bill, Mr. Speaker, this would be the bill for us to work together on and say that binding arbitration for our cities and towns is not appropriate. Thank you, Mr. Speaker.

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

Representative **HARRINGTON**: Thank you, Mr. Speaker. As a public sector union employee myself of over a decade, it's been my experience that when we go to union negotiations and between the town manager and the council and our union, that relationship is more adversarial, negotiations become much more difficult and I think this bill is only going to further create an adversarial relationship between town government and local unions. In recent years, our local government and the local union have had a very cohesive relationship and our contracts have become much better. We've gotten much more and we've become a much more cohesive unit between the union and the town government. So, for that reason, I would not support the current movement. 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. 377

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

NAY - Andrews, Arata, Austin, Bernard, Bickford, Bradstreet, Brennan, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, Downes, Drinkwater, Ducharme, Fay, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Hutchins, Hymanson, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Moriarty, Morris, Nadeau, Newman, Ordway, Parry, Perkins, Perry, Pickett, Pierce, Poirier, Quint, Rudnicki, Sachs, Sampson, Skolfield, Stanley, Stearns, Stetkis, Stover, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Alley, Blier, Cebra, Cuddy, Dolloff, Faulkingham, Fecteau, Grignon, Head, Javner, O'Connor, Paulhus, Prescott, Roche, Sharpe, Supica, Theriault.

Yes, 71; No, 63; Absent, 17; Excused, 0.

71 having voted in the affirmative and 63 voted in the negative, with 17 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-215)** 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 SYLVESTER of Portland **PRESENTED House Amendment "A" (H-584)** which was **READ** by the Clerk.

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

Representative SYLVESTER: Thank you, Mr. Speaker. Very quickly, what this amendment does is it pulls the section of the bill which used to have a strike clause in it and now there is none. Now, the bill is simply arbitration. It is simply a fair dispute resolution between two parties seeking a fair contract. Thank you, Mr. Speaker.

Subsequently, **House Amendment "A" (H-584)** was **ADOPTED**.

Representative DILLINGHAM of Oxford **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (S-215) and House Amendment "A" (H-584)**.

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 Engrossed as Amended by Committee Amendment "A" (S-215) and House Amendment "A" (H-584). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 378

YEA - Arford, Babbidge, Bailey, Bell, Berry, Blume, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Dodge, Doore, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight,

McDonald, Melaragno, Meyer, Millett, Morales, O'Connell, O'Neil, Osher, Pebworth, Perry, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Arata, Austin, Bernard, Bickford, Bradstreet, Brennan, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, Downes, Drinkwater, Ducharme, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Hutchins, Hymanson, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Moriarty, Morris, Nadeau, Newman, Ordway, Parry, Perkins, Perry, Pickett, Poirier, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Stover, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Alley, Blier, Cebra, Cuddy, Dolloff, Faulkingham, Fecteau, Grignon, Head, Javner, O'Connor, Paulhus, Pierce, Prescott, Roche, Sharpe, Supica, Theriault.

Yes, 73; No, 60; Absent, 18; Excused, 0.

73 having voted in the affirmative and 60 voted in the negative, with 18 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-215) and House Amendment "A" (H-584)** 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.

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

SENATE DIVIDED REPORT - Report "A" (7) **Ought to Pass as Amended by Committee Amendment "A" (S-343)** - Report "B" (3) **Ought to Pass as Amended by Committee Amendment "B" (S-344)** - Report "C" (2) **Ought to Pass as Amended by Committee Amendment "C" (S-345)** - Report "D" (1) **Ought Not to Pass** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Regulate Sports Betting" (S.P. 437) (L.D. 1352)

Which was **TABLED** by Representative CAIAZZO of Scarborough pending his motion to **ACCEPT REPORT "A" Ought to Pass as Amended**.

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

Representative **BABBIDGE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, if anybody was conscious at two a.m. this morning, you may have picked up that I am not advocate of expansion of commercial betting in Maine. I think sports betting is a little bit insidious because I know, like most people, I consider myself a sports expert. I will be voting against the motion. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Member may proceed.

Representative **BICKFORD**: To the Good Representative from Scarborough. My question is what does this do for tethering to the off-track betting facilities and other items in the State that have been discussed?

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 Scarborough, Representative Caiazzo. The member may answer.

Representative **CAIAZZO**: Thank you, Mr. Speaker. I thank the good Member from Auburn for the question. Ladies and Gentlemen, there are 27 states currently in the United States that have a sportsbook or a sports wager program. To the good gentleman from Auburn's question, the tethering or untethering applies to the mobile application of that. So, if a company has a mobile app or a website, a tethered application would be it would need to be tied to a physical establishment, brick and mortar place in the State of Maine. An untethered would still be allowed to conduct business within the State within the regulations and the rules, however they would not need a local partner in order to do that.

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

The Bill was **READ ONCE. Committee Amendment "A" (S-343)** was **READ** by the Clerk.

Representative McCREIGHT of Harpswell **PRESENTED House Amendment "A" (H-732) to Committee Amendment "A" (S-343)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-343) as Amended by House Amendment "A" (H-732) 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-343) as Amended by House Amendment "A" (H-732)** 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.

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

REPORTS OF COMMITTEE
Divided Report

Eight Members of the Committee on **JUDICIARY** report in Report "A" **Ought Not to Pass** on Bill "An Act To Ban Biological Males from Participating in Women's Sports"

(H.P. 682) (L.D. 926)

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

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-730)** on same Bill.

Signed:

Representatives:

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

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-731)** on same Bill.

Signed:

Senator:

KEIM of Oxford

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

READ.

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

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

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 Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. The sponsor of this bill, the Representative from Berwick who couldn't be here tonight and I both submitted similar bills. Hers moved forward. She stated she was asked to put this bill in by a grandfather who is concerned about the safety of his granddaughters and their prospects of competing in athletics in what could be construed as a national growing trend to allow transgender males to participate in female sports. She was hesitant to support the bill because of the controversy and uncomfortable conversations that would be sure to ensue. She thought about her own granddaughter, who is a college athlete and has worked extremely hard to earn athletic scholarships. She is five feet tall and 100 pounds soaking wet, she and I have similar family members; you'll hear that later. It occurred to her that if she were to be made to compete against biological males, it could very well mean she would lose competitions, trophies and, ultimately, the very scholarships she has worked so hard for. She would not be an isolated case and, in fact, nationally this has already happened to other women. Additionally, nationally, the trend has 85%-plus support for this type of legislation. I also, in my testimony, used my own children as perfect examples. Because my son as a senior in high school at six feet tall and just over 200 pounds of pure muscle, if he were to compete against his little sister, who's a freshman in high school this past year at 5'5" tall, also only about 100 pounds soaking wet, my son as a biological male, if he chose to compete as a female, he's twice as big as his female sister. He's stronger, faster, better at sports than she is. They could end up on a team where if my son had decided to compete as a female would destroy her chances of getting those athletic scholarships because she couldn't possibly compete against him in soccer, basketball, softball, track, etcetera.

A perfect example, my son did play on his high school soccer team and as a fun, friendly game every year, the boys play the girls. The girls have never won this friendly game. This past year, due to COVID, the 2020 fall game had too few girls show up to play the game in order to have an 11 v 11 game, which normally they would do. In fact, they didn't even have

enough to do a seven v seven. The boys all showed up, not enough girls did. So some of the boys, because they wanted to play this game, it's fun, so some of the boys played on the girls' team. My son was one of those boys that joined the girls' team for this friendly game. Right off quick, the girls' team scored. It wasn't one of the girls that scored, it was my son. In fact, the next two goals were also scored by my son for the girls' team. To the point where he was told knock it off, let the girls play, let them control the ball and so he did. The girls still lost the game overall. Another perfect example includes my own husband. In 1986, as a senior in high school, he made it to the State finals in track in the 100-meter and in the 1-mile running events. That year, he did not win the boys State championship, but had he competed as a female that year, he was faster than every U.S. woman who qualified for the Olympics that year. Let me restate that; every female in the entire United States of America was slower than my husband in 1986. Fourteen years earlier, on June 23, 1972, Title IX was signed into law. It's most well-known for its impact on athletics in educational institutions receiving federal financial assistance. In a nutshell, it gave women and girls an opportunity to excel in sports by competing on a level playing field. Female athletics are a pathway to development, opportunity and success for girls and women in America and this is coming from Concerned Women for America. And when male-born athletes are permitted in women's sports as trans women, female-born athletes lose hard-fought opportunities that came about through the feminist movement in the implementation of Title IX. Allowing individuals who are assigned the opposite sex male at birth to participate on an athletic team directly violates Title IX and it's discriminatory against girls. Title IX states in part that no person in the United States shall on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

Nearly 50 years ago, the first female race was held at the Boston Marathon. Women had to fight for their right to compete in contrast with men, whose opportunities were much greater in the arena of sports. Leaders in the women's movement saw the need to provide a women's only race to determine the fastest female marathon runner in Boston that year. I'm proud to say I have some family that have qualified to participate in the Boston Marathon and these marathons all across the country and world are now run at the same time but they still have a female winner and a male winner, the fastest of each. Penny Nance, CEO and President of Concerned Women for America, responded to the NCAA Board of Governors' statement on transgender participation on April 12th of this year. For over a decade, the NCAA has been driven by politics, not science or safety, in promoting trans athletes in women's sports. Once again, the NCAA Board of Governors has shown their disdain for female student athletes, treating them as second class and denying their right for equality under Title IX. Throwing women and our female status under the bus and threatening states who are doing the right thing only shows the incompetence and cowardice of the NCAA. The Board of Governors clearly has no regard for real fairness for female student athletes. Further, this statement shows the activism leaves no middle ground. Young women deserve better than this. Psychologist Dr. James Dobson said the NCAA is falling for the lie that inclusion and fairness require allowing men to compete against women. This defies our God-given basics of biology and is utterly insane. Consider MMA fighter Fallon Fox, who is incomprehensibly labeled the bravest athlete in history by the website Outsports

for his choice as a biological male to step inside the ring and break the skull of female competitor Tamikka Brents.

Physiological distinctions between the sexes also matter in protecting equal opportunity and a fair playing field. For example, puberty, testosterone and innate biological differences give physical advantages to males that cannot be erased. Inherent male and female distinctions range from chromosomal and hormonal differences to physiological differences. Men generally have greater density and strength in bones, tendons, ligaments, larger hearts, greater lung capacity and higher red blood cell count. I thank you for indulging me and listening to my testimony today and I really hope that you will follow my light so that we can follow the trend that is occurring across the United States where over 85% of residents and people in the United States are looking towards this trend to help protect our women in sports. Thank you.

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

Representative **SHEEHAN**: Thank you, Mr. Speaker. Mr. Speaker, Friends and Colleagues of the House, I rise today to speak in favor of the pending motion. LD 926 proposed to ban transgender girls from their kindergarten years through college from participating in the school sports programs that have meant so much to many of us on the floor today. During some of the most difficult stretches of our young lives, participation in sports instilled in us a commitment to teamwork, physical fitness, fun and the sense of confidence that we carry with us to this day, into this chamber. Mr. Speaker, proponents of this bill portray transgender girls as a threat to cisgender girls in the realm of athletic competition. Should this bill pass, any girl suspected of being transgender could be singled out and asked to provide medical evidence of her sex assigned at birth before being allowed to participate in the sports programs that her parents pay taxes to fund. Should her parents choose to appeal the prohibition, the child must be subject to invasive tests to prove that she has no physical or physiological advantages over other girls. What's next, Mr. Speaker? Are we going to start excluding our tallest girls from the basketball team because they have an unfair advantage?

Proponents of exclusion assert that including transgender girls will take opportunities away from other girls. However, transgender inclusion, sorry, in sports has been the standard for a long time and has not presented any issues in Maine. In fact, the Maine Principal's Association has a well-established policy which includes provisions for evaluating unnecessary risk of injury and unfair advantage on a child-by-child basis. This policy is consistent with the transgender inclusion policies of the International Olympic Committee, the NCAA and numerous other sports-governing bodies across the nation and around the world. Experts in athletics agree, in fact, we hear from the Fryeburg Academy women's teams captains who said and I quote, that transgender girls participating in women's sports neither threatens nor hinders our ability to achieve our athletic goals. We've dedicated years to sports and fostering a supportive, competitive team culture. From our experience and understanding, allowing trans women to compete with us does not impede on our success. We will welcome and fully accept them, not only as women but as valuable additions to our team and to the school community. Baseless fear and blatant discrimination contradict the values of fairness and respect that athletes hold dearest. So, if you should vote for this bill, know that you are not representing us. We all want fairness in girls' sports and to us that means increased access, funding and support for girls' sports programs, not targeting an entire group

of girls for exclusion from the field. Mr. Speaker, the Attorney General, Former Chief Justice Leigh Saufley and the Maine Human Rights Commission all spoke out against this bill and warned us that it will lead to litigation. More importantly, this bill cruelly targets our children, our constituents' children, for humiliation, violation and exclusion. Colleagues, please join me in supporting the pending motion and defeating this cruel and shameful bill.

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. Women and girls' sports have made great strides since Title IX was passed in 1972. Allowing biological males and all their physiological advantages into female sports will reverse these gains. No matter what medical intervention is attempted, a male body will never be transformed into a female body. There are clear and distinct differences in a male and female despite any hormone treatments. Men and women are equal while also different. I share with you the expert opinion of Dr. Gregory Brown, professor of Exercise Science in the Department of Kinesiology and Sports Sciences at the University of Nebraska; at the level of elite competition, men or adolescent boys have an advantage over women or adolescent girls in almost all athletic contests. Biological male physiology is the basis for the performance advantage that men or adolescent boys have over women or adolescent girls in almost all athletic contests. Administration of androgen inhibitors and cross-sex hormones to men or adolescent boys after male puberty and administration of testosterone to women or adolescent girls after female puberty does not eliminate the performance advantage of men or adolescent boys over women or adolescent girls in almost all athletic contests. In short summary, men and adolescent boys perform better in almost all sports than women and adolescent girls because of their inherent physiological advantages that develop during male puberty. In general, men and adolescent boys can run faster, output more physical power, jump higher and exercise greater physical endurance than women and adolescent girls.

I share with you a portion of testimony on this bill by Evie Edwards, a multinational and world master cycling medalist, having competed in USA cycling events since 2008. She said; in high school, I competed at the State level in the 100-meter hurdles, high jump and in cross country. I had a four-year athletic scholarship as an NCAA cross-country athlete at Valdosta State University and was All-American in academics. I was a member of the female Guinness Book of World Records 100-mile relay team in Atlanta, Georgia. I was an AmeriCorps Fellow for two years, working with at-risk youth and I was also a Girls on the Run coach. I founded a women's elite cycling team and nonprofit in Chapel Hill, North Carolina in 2011. I'm a wife and a mother of two elementary school children. I am also a lifetime Democrat. I believe in pro-choice, I believe in the Marriage Equality Act and I know that biologically the female sex and the male sex are vastly different when it comes to sport performance. I was an athlete at the UCI World Master Cycling Track event in Los Angeles, California where a male was celebrated for a new female record and awarded first place/world champion in their event. The second-place athlete in that event had bested me for gold in my event. I earned the silver medal. Transgender inclusion has been creating a discord among women in sports for years. This is not a hypothetical situation. Male bodies are taking the place of biological women's bodies. Female athletes have been robbed of the hard work and effort they have sacrificed their time, energy, finances

and talent toward. It is not fair play. Women and men who desire biological sport classification are being silenced and bullied. I emphasize again, although equal, men and women and boys and girls are different biologically. Please preserve girls' sports and 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. We just heard multiple references to Title IX. I'd just like to share with my colleagues that yesterday, the United States Education Department issued a statement that transgender students are protected under Title IX, a law that prohibits sex-based discrimination in schools that receive federal funding. The statement concluded students cannot be discriminated against because of their gender identity. I urge you to support the pending motion.

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

Representative **FOSTER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, I think you may recall, as I do, in the 129th, I rose in on this House floor when we were honoring the anniversary of Title IX. And I spoke about my mother who played half-court basketball because women weren't considered to be capable of traveling the full length of the court. She played defense. And through the years, I remember watching my own daughter cut the nets at the Eastern Maine Championship girls basketball game and how proud I was to see that, how far that had progressed, especially from the days when I was in high school, when girls basically played their games after school and there was no tournament. Mr. Speaker, I oppose this motion and I base that on the fact that I have granddaughters now who if this law passes, the progression will become regression and I doubt that they will ever see that opportunity that my daughter had. Thank you, Mr. Speaker.

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

ROLL CALL NO. 379

YEA - 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, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Ordway, Osher, 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, Bradstreet, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, Downes, Drinkwater, Ducharme, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Hutchins, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, Parry, Perkins, Pickett, Poirier, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Alley, Bickford, Blier, Cebra, Cuddy, Dolloff, Faulkingham, Fecteau, Grignon, Head, Javner, O'Connor, Paulhus, Prescott, Roche, Sharpe, Supica, Theriault.

Yes, 80; No, 53; Absent, 18; Excused, 0.

80 having voted in the affirmative and 53 voted in the negative, with 18 being absent, and accordingly Report "A" **Ought Not to Pass** 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.

SENATE PAPERS

The following Joint Order: (S.P. 583)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until the call of the President of the Senate and the Speaker of the House, respectively.

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

The following Joint Order: (S.P. 584)

ORDERED, the House concurring, that Bill, "An Act To Facilitate Maine's Climate Goals by Encouraging Use of Electric Vehicles," H.P. 245, L.D. 347, 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.

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

ENACTORS

Emergency Measure

An Act To Amend the Law Regarding Advance Health Care Directives

(H.P. 822) (L.D. 1144)
(C. "A" H-720)

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.

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

ROLL CALL NO. 380

YEA - Babbidge, Bailey, Bell, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Dodge, Doore, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, 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, Stearns, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

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

Costain, Dillingham, Downes, Drinkwater, Ducharme, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Hutchins, Johansen, Kinney, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, Ordway, Parry, Perkins, Pickett, Poirier, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stetkis, Thorne, Tuell, Underwood, Wadsworth, Warren, White.

ABSENT - Alley, Berry, Blier, Cebra, Cuddy, Dolloff, Faulkingham, Fecteau, Grignon, Grohoski, Head, Javner, Kryzak, Mathieson, O'Connor, Paulhus, Prescott, Roche, Sharpe, Supica, Theriault.

Yes, 75; No, 55; Absent, 21; Excused, 0.

75 having voted in the affirmative and 55 voted in the negative, with 21 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

Acts

An Act To Amend the Laws Governing Post-conviction Review in Order To Facilitate the Fair Hearing of All Newly Discovered Evidence

(H.P. 20) (L.D. 54)
(C. "A" H-715)

An Act To Extend Family Medical Leave to Hourly School Employees

(H.P. 668) (L.D. 912)
(C. "A" H-723)

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

Resolves

Resolve, Directing the Department of Agriculture, Conservation and Forestry To Identify Places with Offensive Names and Methods of Changing Those Names

(H.P. 1180) (L.D. 1591)
(C. "A" H-719)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, 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.

SENATE PAPER

Non-Concurrent Matter

Bill "An Act To Reestablish Parole"

(H.P. 610) (L.D. 842)

Report "B" (3) **OUGHT TO PASS AS AMENDED** of the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-718)** in the House on June 17, 2021.

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

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

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

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. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 381

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, 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 A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Sachs, Salisbury, Sheehan, Skolfield, Stover, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Arata, Austin, Bernard, Bickford, Bradstreet, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, Downes, Drinkwater, Ducharme, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Hutchins, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, Ordway, Parry, Perkins, Pickett, Poirier, Quint, Roeder, Rudnicki, Sampson, Stanley, Stearns, Stetkis, Sylvester, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Alley, Blier, Cebra, Cuddy, Dolloff, Faulkingham, Fecteau, Grignon, Head, Javner, O'Connor, Paulhus, Prescott, Roche, Sharpe, Supica, Theriault.

Yes, 79; No, 55; Absent, 17; Excused, 0.

79 having voted in the affirmative and 55 voted in the negative, with 17 being absent, and accordingly the House voted to **RECEDE**.

Representative HARNETT of Gardiner 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** 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. 382

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

NAY - Arata, Austin, Bernard, Bradstreet, Carlow, Carmichael, Connor, Corey, Costain, Dillingham, Downes, Drinkwater, Ducharme, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Hutchins, Johansen, Kinney, Kryzak, Lemelin, Lyman, Martin, Mason, Millett, Nadeau, Newman, Ordway, Parry, Perkins, Pickett, Poirier, Rudnicki,

Salisbury, Sampson, Skolfield, Stanley, Stearns, Stetkis, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Alley, Blier, Cebra, Cuddy, Dolloff, Doore, Faulkingham, Fecteau, Grignon, Head, Javner, Lyford, O'Connor, Paulhus, Prescott, Roche, Sharpe, Supica, Theriault.
Yes, 83; No, 49; Absent, 19; Excused, 0.

83 having voted in the affirmative and 49 voted in the negative, with 19 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-717)** was **READ** by the Clerk and **ADOPTED**.

Subsequently, Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-717)** 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.

Non-Concurrent Matter

Bill "An Act To Limit Qualified Immunity of Law Enforcement Officers in Maine Civil Rights Act Claims"

(S.P. 466) (L.D. 1416)

Majority (10) **OUGHT TO PASS AS AMENDED** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-338)** in the House on June 17, 2021.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (3) **OUGHT NOT TO PASS** Report of the Committee on **JUDICIARY** was **READ** and **ACCEPTED** 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 Require Responsible Contracting Practices for Public Construction Projects"

(H.P. 1217) (L.D. 1633)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR AND HOUSING READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-726)** in the House on June 17, 2021.

Came from the Senate with the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **LABOR AND HOUSING READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

Representative DILLINGHAM of Oxford **REQUESTED** a roll call on the motion to **INSIST**.

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

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

ROLL CALL NO. 383

YEA - Arford, Babbidge, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazza, Cardone, Collings, Copeland, Crafts, Craven, Crockett, Dodge, Doudera, Dunphy, Evangelos, Evans, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Kessler, Lookner, Madigan, Martin J, Martin R, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Neil, Osher, Pebworth, Perry A, Perry J, Pluecker, Reckitt, Rielly, Roberts, Roeder, Sachs, Salisbury, Sheehan, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren C, Warren S, Wood, Zeigler, Mr. Speaker.

NAY - Andrews, Arata, Austin, Bailey, Bernard, Bickford, Bradstreet, Carlow, Carmichael, Cloutier, Collamore, Connor, Corey, Costain, Dillingham, Downes, Drinkwater, Ducharme, Fay, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Hepler, Hutchins, Hymanson, Kinney, Kryzak, Landry, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connell, Parry, Perkins, Pickett, Poirier, Quint, Riseman, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Alley, Blier, Cebra, Cuddy, Dolloff, Doore, Faulkingham, Fecteau, Geiger, Grignon, Harrington, Head, Javner, Johansen, Mathieson, O'Connor, Ordway, Paulhus, Pierce, Prescott, Roche, Sharpe, Supica, Theriault, White, Williams, Zager.

Yes, 64; No, 60; Absent, 27; Excused, 0.

64 having voted in the affirmative and 60 voted in the negative, with 27 being absent, and accordingly the House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Establish Resentencing Units in the Attorney General's Office and All Maine Prosecutorial Districts" (H.P. 930) (L.D. 1270)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724)** in the House on June 17, 2021.

Came from the Senate with the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

Representative DILLINGHAM of Oxford **REQUESTED** a roll call on the motion to **INSIST**.

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

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

ROLL CALL NO. 384

YEA - Arford, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazza, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Dodge, Doudera, Dunphy, Evangelos, Evans, Fay, 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, O'Connell, O'Neil, Osher, 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, Zeigler, Mr. Speaker.

NAY - Andrews, Arata, Austin, Babbidge, Bernard, Bickford, Bradstreet, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, Downes, Drinkwater, Ducharme, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Hutchins, Kinney, Kryzak, Lemelin, Libby, Lyman, Martin, Mason, Millett, Moriarty, Morris, Nadeau, Newman, Ordway, Parry, Perkins, Pickett, Poirier, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Alley, Blier, Cebra, Cuddy, Dolloff, Doore, Faulkingham, Fecteau, Geiger, Grignon, Head, Javner, Johansen, O'Connor, Paulhus, Prescott, Roche, Sharpe, Supica, Theriault, Williams, Zager.

Yes, 74; No, 55; Absent, 22; Excused, 0.

74 having voted in the affirmative and 55 voted in the negative, with 22 being absent, and accordingly 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.

ENACTORS

Emergency Measure

An Act To Clarify Certain Provisions Regarding the Marijuana Excise Tax

(H.P. 639) (L.D. 871)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and 3 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Support and Improve Municipal Recycling Programs and Save Taxpayer Money

(H.P. 1146) (L.D. 1541)

(H. "A" H-714 to C. "A" H-605)

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.

After Midnight

SENATE PAPERS

Non-Concurrent Matter

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)

PASSED TO BE ENACTED in the House on June 17, 2021.

Came from the Senate **FAILING** of **PASSAGE TO BE ENACTED** in **NON-CONCURRENCE**.

On motion of Representative DUNPHY of Old Town, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

REPORTS OF COMMITTEE

Ought to Pass as Amended

Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Establish a Moratorium on Offshore Wind Power Projects in Maine's Territorial Waters" (EMERGENCY)

(S.P. 512) (L.D. 1619)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-316)**.

Comes from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-316) AS AMENDED BY SENATE AMENDMENT "A" (S-351)** thereto.

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

The Bill was **READ ONCE. Committee Amendment "A" (S-316)** was **READ** by the Clerk.

Senate Amendment "A" (S-351) to Committee Amendment "A" (S-316) was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-316) as Amended by Senate Amendment "A" (S-351) 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-316) as Amended by Senate Amendment "A" (S-351)** thereto in concurrence.

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

Divided Report

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-347)** on Bill "An Act To Enhance Enforcement of Employment Laws"

(S.P. 525) (L.D. 1711)

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

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-347) AND SENATE AMENDMENT "A" (S-350)**.

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. I rise in opposition to this pending motion. Even though it has been amended, it's not quite the same as it was but it still gives a private right of action under something that should be under the sole authority of the enforcement agencies of the State of Maine. This would allow attorneys to sue for alleged violations or violations of the Maine Human Rights Act and require that attorneys' fees be paid and other costs assessed as well. This is an unwise way to go, I can't see us supporting that at all. I hope you will join me in voting against 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. 385

YEA - Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Dodge, Doudera, Dunphy, Evangelos, Evans, 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, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren C, Warren S, White, Wood, Zager, Zeigler, Mr. Speaker.

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

ABSENT - Alley, Blier, Cebra, Cuddy, Dolloff, Doore, Faulkingham, Fecteau, Geiger, Grignon, Head, Javner, O'Connor, Paulhus, Perry, Prescott, Roche, Sharpe, Supica, Theriault, White, Williams.

Yes, 74; No, 55; Absent, 22; Excused, 0.

74 having voted in the affirmative and 55 voted in the negative, with 22 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-347)** was **READ** by the Clerk and **ADOPTED**.

Senate Amendment "A" (S-350) 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-347) and Senate Amendment "A" (S-350)** in concurrence.

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

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

Representative **BERRY**: Mr. Speaker, there's a floor amendment to a bill that I understood that we'd have the opportunity to vote on today and although the night is no longer young, it was my sincere hope and understanding that we would have the opportunity, this body would have the opportunity to do that. Could we please delay the adjournment just for the purpose of discussing that matter?

The SPEAKER: The Chair did not hear the question. Can the Member please repeat?

Representative **BERRY**: Yes. Permission to pose a question to the Chair?

The SPEAKER: The Member may proceed.

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, the question is could we please not adjourn until we have voted on an amendment which I requested some time ago to an important bill and I know it was important to many here in this chamber, it was requested over an hour ago from the revisor, in fact, two hours ago and I believe it's nearly up, it just needs to be run through the bodies before we adjourn tonight. I think there was a misunderstanding, Mr. Speaker.

The SPEAKER: The Chair would advise the Member that we have completed our work for the evening and we will be returning for another legislative day and the opportunity to work on the bills that have not reached final disposition will be presented to us at that point.

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

Representative **ORDWAY**: Thank you, Mr. Speaker. I just want to rise to thank you. You are, without a doubt, the best Speaker I have ever worked under and I just want you to know that I appreciate your integrity and your hard work from the rostrum.

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

Representative **DILLINGHAM**: Thank you, Mr. Speaker. Again, I concur with the Good Representative from Standish. But just for planning purposes, could you give us an estimate of what day you believe we would be back?

The SPEAKER: The Chair would advise that the first, given the actions that we've taken today, if you count ten days out from now in terms of the Chief Executive being able to deliver vetoes, that would put us around Wednesday, June 30th. And so, I would anticipate a legislative day on Wednesday, June 30th.

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

Representative **ZAGER**: Thank you, Mr. Speaker. May I on the record address the Chair?

The SPEAKER: The Member may proceed.

Representative **ZAGER**: If I had been present, Mr. Speaker, I would have voted yay on LD 1633 and LD 1270.

The SPEAKER: The record shall so reflect.

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

Representative **KESSLER**: Mr. Speaker, I have to echo the sentiments of the Representative from Bowdoinham. To be more specific, the legislative process that LD 1708 must undergo, I believe needs to be completed this evening and, with all due respect, just a question to the Chair or the Clerk if we can call a Roll Call for the motion to adjourn to complete this work?

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

Representative **DILLINGHAM**: Thank you, Mr. Speaker. On behalf of my caucus, we have worked long hours, many of us did not get home until 4-4:30 yesterday morning, it is now after 1 o'clock, many of us have an hour-plus ride to go. Many of my members have waited hours before for amendment. I have a member that is waiting for paperwork coming from the Senate on a bill that is very important to her. If we go forth with a Roll Call on adjournment, every member of my caucus that is here will be supporting the Speaker to adjourn.

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

Speaker FECTEAU of Biddeford moved that the House stand adjourned until the call of the Speaker of the House and the President of the Senate, respectively, pursuant to the Joint Order (S.P. 583).

Representative KESSLER of South Portland **REQUESTED** a roll call on the motion to **ADJOURN** until the call of the Speaker of the House and the President of the Senate.

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

Subsequently, the House adjourned at 1:09 a.m., until the call of the President of the Senate and the Speaker of the House, respectively, pursuant to the Joint Order (S.P. 583) in honor and lasting tribute to Pamela Strout Davis of Beals, Daniel Leslie Rodge of Jonesport, Wayne Peabody of Jonesport, Richard Coffin Carver of Beals, Loren "Bud" C. Faulkingham of Jonesport, Betty Rose Crowley of Beals and Kathryn Virginia "Ginger" Wallace of Raymond.