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Legislative Record

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other means, obtain the suffrages than portray the interests of the people. I intend to follow the words of our Founding Fathers and the ideas of James Madison today when I vote in opposition to this motion. Thank you.

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

Representative **PRINGLE**: Thank you, Madam Speaker. I'd just like to share that I've voted for a few presidents who lost and I still feel my vote was valid. I voted for Barry Goldwater; he lost. I voted for George Herbert Walker Bush when he lost to Bill Clinton, and I voted for John Kerry when he lost to George Bush. I didn't feel that my vote didn't count because I lost. I had the right to vote, I believe it got counted and I accepted the fact that I didn't win, my candidate didn't win. And I believe that's what the national popular vote is trying to make happen. That's all I wanted to share. Thank you.

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

ROLL CALL NO. 453

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

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

ABSENT - Boyle, Fay, Galletta, Haggan, Landry, Williams.

Yes, 73; No, 72; Absent, 6; Vacant, 0; Excused, 0.

73 having voted in the affirmative and 72 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

REPORTS OF COMMITTEE

Divided Report

Eight Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-910)** on Bill "An Act to Advance Self-determination for Wabanaki Nations"

(H.P. 1287) (L.D. 2007)

Signed:

Senators:

CARNEY of Cumberland

BAILEY of York

Representatives:

MOONEN of Portland

BECK of South Portland

KUHN of Falmouth

LEE of Auburn

MORIARTY of Cumberland

SHEEHAN of Biddeford

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

Signed:

Representatives:

ANDREWS of Paris

HAGGAN of Hampden

POIRIER of Skowhegan

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-911)** on same Bill.

Signed:

Senator:

BRAKEY of Androscoggin

Representative:

HENDERSON of Rumford

READ.

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

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

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

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

Representative **POIRIER**: Thank you, Madam Speaker. Madam Speaker and Ladies and Gentlemen of the House, LD 2007 proposes to change the Maine Implementing Act and Mi'kmaq Restoration Act by changing aspects of criminal jurisdiction, extending timeframes for certification and effective dates. On its surface, "An Act to Advance Self-determination for Wabanaki Nations" sounds simple and gives people a good feeling; an extension of an olive branch, a way to provide more sovereignty to the Tribes of Maine.

When looking closely at criminal jurisdiction portions of this bill, I urge you to consider the impacts that it will have. And let's remember that these changes will be amendments to the Implementation Act and are essentially permanent changes. LD 2007 will grant tribal courts jurisdiction over certain Class C, D and E crimes, with some exceptions. When speaking with legislative proponents and representatives of tribal government, this sounds great.

Madam Speaker, when I was elected and took the oath of office, I promised myself that I would put people over politics. I've worked on tribal bills for the past four years. In fact, I've even worked on some of them with you. I've listened to tribal government officials, I've also met and formed friendships with citizens of the tribes throughout Maine. This is where I become concerned with LD 2007. Now, I spoke with Lisa, a Penobscot who was arrested just for showing up to a Wabanaki Alliance event, the event that she received an email to attend, because she spoke out publicly about her concerns with tribal government. She was arrested and forced to leave. Lisa has great concern that the tribal courts have not even codified Indian civil rights into their tribal law. I spoke with Lana, who's been seeking assistance from tribal courts to protect her daughters from domestic abuse. She's been seeking help for nearly five months and has received nothing more than a stack of paperwork. Lana states, court officials abuse their power and if given more power, it would place more children and victims of violence and crime into further danger and trauma. Several tribal men and women have expressed grave concerns about child support and visitation agreements, citing that the outcome depends on who knows who in tribal government.

Maine authorized the tribes' utilization of VAWA, the Violence Against Women Act. When a very highly ranked Maine government official asked tribal government how it was working out, she was told that it was not, and that the tribes are not prosecuting because they would have to pay county jails to house the accused. Madam Speaker, please ask yourself if this is real justice for tribal citizens. LD 2007 allows tribal courts to prosecute C, D and E crimes. The bill effectively makes tribal courts the last stop for tribal citizens. They'll no longer be able to utilize State court systems for these such cases. Essentially, we are limiting access to justice and granting exclusive jurisdiction to the tribal courts.

This bill is a watered-down version of a 42-page amendment provided to the Judiciary Committee in its first work session. It's a concession to give tribal government something, while eliminating the larger sovereignty bill this session. Madam Speaker, we hear from many of our colleagues, tribal officials and our neighbors who voiced their want to give tribal sovereignty, but very important people, the most important people that are left out of this process, they're kept silent; and those are the everyday tribal citizens. There are two main reasons that they're silent on these issues, Madam Speaker. One is that they're just not informed. They don't know what goes on under this dome. They're kept out of the conversation and often only meet with their tribes about such issues once per year. Through my many conversations, I've found that most tribal citizens have no idea what laws are being passed at the State House, let alone how it would impact them personally. And second, many of the people that I've spoken to have become aware of initiatives, but are fearful to speak out because tribal communities are small. They're afraid of backlash if they speak out against tribal government.

Madam Speaker, I stand here today not to promote government but to speak for those who have not had a voice in this conversation. I will not support expanding government authority when tribal citizens will not benefit. For these reasons, I ask you to pause and don't just pass a bill because it feels good and empowers government; think of how this is actually going to impact a real person, somebody that hasn't had a voice in this conversation. Thank you, Madam Speaker.

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

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Colleagues of the House, the amendment that is before us in the Majority Amendment is substantially narrower than the original bill. As my colleague mentioned, it was a long, comprehensive bill dealing with tribal self-determination. The amendment before us is narrower in that it deals with criminal jurisdiction of tribal courts and adopts most of federal Indian law with respect to the criminal jurisdiction of Maine's tribal courts. It is the product of a lengthy collaborative process that involved you, Madam Speaker, your team, the tribal Chiefs, their ambassadors, their attorneys, the Attorney General's office, the Office of the Chief Executive and, of course, legislators on the Judiciary Committee and beyond. It's a remarkable product that came together on a pretty short timetable. It's something I'm proud of, I hope you are as well, Madam Speaker.

Because it is amending an original bill, I just want to say on the original bill, you know, there's a larger conversation to be had here. We are constantly called on to reevaluate all of our laws every time we come into session; reevaluate our history, reevaluate how we act and respond to past experiences and present needs. And I view this amendment as one more step along that path. It's a path that's not over, but it's a really good step, and I hope everyone can support it. Thank you, Madam Speaker.

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

Representative **DANA**: Thank you, Madam Speaker, and thank you to all that's been participating and put in the hard work. Before I lead off, I just want to make mention; or address that when it comes to tribal bills, that people are in fear that it's going to be a permanent process; but as I witness on an everyday basis here, nothing is a permanent process and nothing is put into stone. We make changes every day here, and I don't see why the tribes would be exempt from any of those changes.

We are moving forward, most definitely, you know, in a good way, and I know that it's not in its entirety from our initial goal, but we are taking those necessary steps and moving forward to build that healing relationship between the Wabanaki Nations and the State. It's a relationship that needs some mending, some education and some understanding.

I stand here today in favor of 2007 and ask that others follow along in my liking. And I look as a good-faith effort, that we will one day honor the ancient treaties and the promises that were made to allow the Wabanaki to live as sovereign and equal nations within the State of Maine. We have overcome so many obstacles between the Wabanaki Nations and the State, and I am convinced our relationship can only get better, Madam Speaker. I look forward to the future in hopes that we may be able to keep working together in truth and honesty. *Eci koluskuwinuwok, ehqi kolusk*, *nit leyic-Tahu*; you know, and I thank everybody, you know, for coming together and putting in the hard work for this and, you know; and again, I ask for everybody follow in my liking. *Woliwon*.

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. 454

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

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

ABSENT - Boyle, Fay, Galletta, Haggan, Landry, Lanigan, Williams.

Yes, 82; No, 62; Absent, 7; Vacant, 0; Excused, 0.

82 having voted in the affirmative and 62 voted in the negative, with 7 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-910)** 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-910)** and sent for concurrence.

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Report "A" (7) **Ought to Pass as Amended by Committee Amendment "A" (H-834)** - Report "B" (2) **Ought to Pass as Amended by Committee Amendment "B" (H-835)** - Report "C" (2) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act to Change How Adult Use Cannabis Excise Tax Is Calculated"

(H.P. 901) (L.D. 1405)

TABLED - March 20, 2024 (Till Later Today) by Representative HASENFUS of Readfield.

PENDING - **ACCEPTANCE OF ANY REPORT**.

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

Representative ARATA of New Gloucester **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 Poland, Representative Boyer.

Representative **BOYER**: Thank you, Madam Speaker, Colleagues of the House. Hello, it's weed again. And it brings people together after that interesting discussion we had.

I'm here today in support of our nascent cannabis industry. They are asking for help again. Yesterday, we were able to help them with policy and regulations, and this is a different kind of policy, but we know that right now, our cannabis tax is out of whack. It's not just whack, it's out of whack. The MLI Committee in 2018 determined that a 20% tax would be ideal for our State; not too low to not bring in revenue and pay for the implementation of this adult use industry --

The SPEAKER: The Member will defer. It's very difficult to hear a Member speaking on a microphone at this point. The Member may proceed.

Representative **BOYER**: Thank you, Madam Speaker. Twenty percent; not too low that we wouldn't have money to pay for it and bring in tax revenue, and not too high to encourage the illicit market that is not taxed at all. In 2018, it was determined that $335 per pound of flower would be about 10% of the cost of a pound in 2018. But, as competition happens and we legalized it, the price of a pound is closer to $1,200 now; $1,500, okay? So, now, that $335 excise tax per pound is closer to 20, 22%. And you tie in the sales tax and the fees to participate in this industry and we're looking at a 43% tax, direct tax, and then if you put on top of 280-E, the federal tax, that these businesses can't deduct the cost of goods, we're looking at 60% effective tax rate for this industry.

So, what we're asking for this half-billion-dollar industry to be able to continue is to cut the excise tax to $150 for two years, when that'll give Maine Revenue Services and OCP time to set up a program to take 10% of the wholesale price. So, that's kind of what got hammered out in Tax Committee. We understand that we'll have to make our case to the Appropriations Table as well, but we know that inaction is not acceptable at this point. We have craft small cultivators here today. They are in payment plans with Maine Revenue Services. They can't get off the hamster wheel and it's not sustainable. So, if we want to protect these workers and these businesses and jobs, over 7,500 of which are direct workers in either medical or adult use cannabis industry, then we need to make sure that they have a sustainable industry to continue along and to serve. And it is expanding, so, you're going to see revenues go up even if, I believe, we do make this change. Some of these businesses are paying more to the State and to the federal government in taxes than they are even bringing in as profit.

So, we need to change something and, you know, looking at other states, hardly any other states have an excise tax, Maine is the only State that has a flat fee for the excise tax. Out of the 21 states with legal adult use cannabis programs, only four impose an excise tax at the wholesale level. Generally, things like dairy, blueberries; the excise tax goes back into the industry, but that's not been the case. I mean, historically, the medical marijuana, adult use cannabis; all this revenue's been for other things and, by and large, the cannabis operators are okay with that, they get that; but it's gotten to a point where some of these operators are actually transitioning back to the medical market because it just does not work unless you're a super large grow and you have that economy at scale. So, if we want to incentivize local small craft businesses, we need to take a look at this tax. Thank you, Madam Speaker.