MAINE STATE LEGISLATURE

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Legislative Record

House of Representatives

One Hundred and Thirty-First Legislature

State of Maine

Daily Edition

Second Regular Session

Beginning January 3, 2024

Beginning with Page H-1190

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act to Require Health Insurance Coverage for Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections and Pediatric Acute-onset Neuropsychiatric Syndrome"

(H.P. 432) (L.D. 663)

Signed:

Senators:

BRAKEY of Androscoggin
RENY of Lincoln

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-916)** on same Bill.

Signed:

Senator:

BAILEY of York

Representative:

MATHIESON of Kittery

READ.

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

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-915)** on Bill "An Act to Require Health Insurance Coverage for Biomarker Testing"

(H.P. 1022) (L.D. 1577)

Signed:

Senators:

BAILEY of York
RENY of Lincoln

Representatives:

PERRY of Calais
ARFORD of Brunswick
CLUCHEY of Bowdoinham
CYRWAY of Albion
MASTRACCIO of Sanford
MATHIESON of Kittery
NUTTING of Oakland
PRINGLE of Windham
SWALLOW of Houlton

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

Signed:

Senator:

BRAKEY of Androscoggin

Representative:

MORRIS of Turner

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-915)** 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-915)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass** on Bill "An Act to Implement the Recommendations of the Right to Know Advisory Committee Regarding Public Records Exceptions"

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

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-920)** on same Bill.

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

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

READ.

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

Representative FAULKINGHAM of Winter Harbor **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

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

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

Representative **BOYER**: Thank you, Madam Speaker, Colleagues of the House. I'm rising in support of Committee Amendment "A." It removes the stuff related to medical cannabis caregivers from the bill. And this is because these folks specifically are home-based caregivers in the bill and it gives permission for the State to give out their information to law enforcement, municipal officials, and I just think that's a little bit too much right now. I'm not sure what we're trying to solve with that right now, because today, the Office of Cannabis Policy can; rather, a municipal official can call OCP and say, hey, is 123 Main Street registered in your system? And OCP can say yes; they can say no. That's the extent of it, though. And, you know, this is an industry that we're dealing with that is still federally illegal, so, these home-based caregivers are prohibited from,

you know, federally prohibited from owning firearms, they're a cash business, so, this leads to crime, and there have been multiple break-ins, thefts, attempted robberies at these types of businesses. But when you have it at your house, it's definitely a little unnerving, especially if you have kids.

So, this is one of the issues that our medical subcommittee dealt with and will continue to deal with. We're hoping to meet after this session and, you know, it kind of comes down to if you trust the government or if you don't, and I think we've had multiple data breaches in our State, Madam Speaker, one that the State didn't tell us for six months about this breach, for us to change our passwords and whatnot. So, this idea of lists and municipal officials having them, I think don't rise, you know, the concerns about the public's right to know I think pale in this instance; and I'm a big supporter of the Right to Know Law; but pale in comparison to the right to just live without fear, to work, to commerce.

So, I think perhaps after we can make it federally legal, let them have their 2A rights, let them have their banking rights, maybe this is a discussion then we can address; but again, I don't know what problem we're trying to solve. The illegal grows, obviously, it hasn't been hard to find them, it seems; so, you know, again, municipal officials can call OCP and ask if a grow is in their system, give an address and they can say yes or no. I think that should be sufficient. I don't know that every municipal official will; no offense to them, but necessarily know what should be or is confidential, and mistakes can happen, too. And one of those happened about a year ago, I was informed there was a break-in, a struggle, a shootout, the robber died, the caregiver took a bullet and about six months later, which is like now-ish, he passed away, the bullet in his brain moved a little bit and he died. So, it's a real thing that's still going on and I think this puts our constituents at risk and at jeopardy. Thank you.

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

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Colleagues of the House, this bill comes to us from the Right to Know Advisory Committee. In case anyone wants to know what that is, it's created by Statute and they are tasked with ensuring that our government is upholding the public's right to know on all government records. As a part of their responsibilities, every year, they are tasked with reviewing one or more Titles of Maine Law, and going through those Titles and reviewing every public records exception there is, gathering information about those exceptions and then making recommendations back to the Legislature about whether those exceptions are appropriate, not appropriate, should be repealed, should be amended, should be more narrowly tailored.

In 2023, the Right to Know Advisory Committee's task was Title 22. Sometimes they do multiple Titles, if it's small ones, but Title 22 is quite large, and so, that was their only task in 2023. Before they came back to us, they did surveys to the various agencies that work in whatever part of Statute has a public records exception. They came back to us with recommendations about how to adjust public records exceptions for records that are in the possession of the medical examiner's office, the health insurance exchange, various agencies within Title 22. And one of those was, of course, the medical cannabis program as well, as you've heard.

On the recommendation of the Right to Know Advisory Committee, the Judiciary Committee took a look at all of these issues and the language that has come forward, I think, is pretty strong, pretty narrowly tailored, pretty specific. It says that information about a qualifying patient in the medical program is confidential. It says that information that identifies a caregiver is confidential, except with the written consent of the caregiver, pursuant to a court order or a subpoena, or when necessary to protect the public from a threat to public health or safety. There may be some questions about that last exception; that would be if that caregiver has put out a product that is toxic or in some way is a threat to public health; then, in that circumstance, the public has a right to know that they may have purchased a product that puts their health at risk. The bill also specifies that the personal contact information of a caregiver is confidential, but it does say that the information about the caregiver can be disclosed to municipal employees responsible for the administration of rules, ordinances or warrant articles. So, that may be code enforcement, that may be some other thing; but, you know, we all felt like that it was important for municipal officials to understand what is happening at a business, and so that they are better prepared to talk with that business owner about whatever ordinance or rules that they're trying to enforce.

I hear the argument about safety. This bill specifically acknowledges that. You know, you heard from the previous speaker that all of these folks are at their home addresses; that's not true. In some cases, that may be true, and in those cases, their home address is not disclosed, it remains confidential. But for the situations where their home and their business are not at the same address, that information is not confidential. It's a pretty simple explanation for that. The public has a right to know about who is getting a license from the government, whether it's an alcohol license, a tobacco license, a cannabis license or lots of other kinds of licenses. The public has a right to know who the government has licensed as a doctor, as a nurse, all kinds of businesses and professions. It doesn't mean they get to know everything about that licensee. Certainly, with our medical licenses, we don't release home addresses of medical licensees. And so, this bill contemplates that same redaction for those who hold this medical cannabis license and does not release their home addresses, either.

I would say that we also have retail cannabis businesses in this State. All of the information about those businesses is public. And I understand the concern about the federal government, but I would say that we should be thinking about making sure that everyone who has a government license has a reasonable obligation to disclose reasonable information to the public, and that anything that would put their personal safety at risk would not be released. I think this bill accomplishes that, and I ask you to support it. Thank you, Madam Speaker.

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

Representative **POIRIER**: Thank you, Madam Speaker. I rise in opposition to this bill. And I did hear some of the comments from my good friend from Portland, but I disagree with that information.

We heard a lot from people in the industry of cannabis cultivation who are fearful because this bill could get their information out to people who may not have the most sincere, I guess, motivation. And a lot of these people have their businesses at their home, where their children are, where they're not allowed to have firearms for protection and they have a lot of money stored there, because they're not able to use banks like you and I do. I'm very apprehensive about passing something like this that could give out the address to such a business to anybody requesting it through Freedom of Information. I think that we owe it to our citizens to keep them safe, especially when they can't do that themselves; being in that business, like I say, not being able to have firearms or anything like that.

So, I think this is something that we have to step back on, really think about what we're doing here. Who's going to be responsible if something happens and somebody with bad motives goes to that home and, you know, robs the family, harms the family, knowing that money and product is there? State agencies have this information as far as addresses, rightly so, but I don't think that's something that the public should just have access to. So, please follow me and vote this pending motion down.

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

Representative **SHEEHAN**: Thank you, Madam Speaker. I rise just to re-emphasize that this bill does keep confidential the home addresses of caregivers whose businesses are being operated out of their own homes.

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

ROLL CALL NO. 468

YEA - Abdi, Ankeles, Arata, Arford, Beck, Bell, Brennan, Bridgeo, Carlow, Carmichael, Cloutier, Copeland, Crafts, Craven, Crockett, Cyrway, Dhalac, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hepler, Hobbs, Jauch, Kessler, Kuhn, Lajoie, Landry, LaRochelle, Lee, Madigan, Mastraccio, Mathieson, Matlack, Meyer, Millett H, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Perry A, Perry J, 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, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Cluchey, Collamore, Collings, Costain, Cray, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Gifford, Greenwood, Griffin, Guerrette, Haggan, Henderson, Hymes, Jackson, Javner, Lanigan, Lemelin, Libby, Lookner, Lyman, Mason, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Pluecker, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Andrews, Boyle, Galletta, Hall, Lavigne, Malon.

Yes, 81; No, 63; Absent, 6; Vacant, 1; Excused, 0.

81 having voted in the affirmative and 63 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

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

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-924)** on Bill "An Act to Bring Fairness in Income Taxes to Maine Families by Adjusting the Tax Brackets"

(H.P. 779) (L.D. 1231)

Signed:

Senators:

GROHOSKI of Hancock

CHIPMAN of Cumberland

Representatives:

PERRY of Bangor

CROCKETT of Portland

HASENFUS of Readfield

MATLACK of St. George

RANA of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-925)** on same Bill.

Signed:

Senator:

LIBBY of Cumberland

Representatives:

CARMICHAEL of Greenbush

LAVIGNE of Berwick

LIBBY of Auburn

QUINT of Hodgdon

RUDNICKI of Fairfield

READ.

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

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

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

The SPEAKER: The Chair recognizes the Representative from Greenbush, Representative Carmichael.

Representative **CARMICHAEL**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, this is a bill that I put in in this session; well, actually, in the previous session and we carried it over, because of a need I see in my district. Madam Speaker, there's a segment of hardworking Maine families that has been continually left behind economically because of circumstances from COVID and from things beyond their control.

Madam Speaker, these people pack a lunch, climb into a truck, a harvester, a piece of construction equipment. They go to work as welders, carpenters, electricians, mechanics. And all are very important jobs. Madam Speaker, these people are in the medium earnings category, which would put them about $64,747 in 2020. For people in my district, in District 18, that means that working about 55 hours a week, counting overtime after 40. But because of inflation and federal economic policies, it now takes $1.19 to buy what a dollar did in 2020. Madam Speaker, that means to these people, they now need to earn $77,049 just to maintain the same buying power that they had just three years ago. That's the difference of $12,302.

Today, the medium earnings is $75,160, which is in itself a reduction in buying power for them people of $1,889. But this itself is a bit deceiving. Medium income is the middle between the lowest pay and the highest pay. As you remember, during COVID, there was a severe shortage of service workers, which caused the lower-end pay scales to rise dramatically, thus