

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-Sixth Legislature
State of Maine

Daily Edition

First Regular Session

beginning December 5, 2012

beginning at page H-1

An Act To Repeal an Insurance Reporting Requirement
(H.P. 422) (L.D. 603)

An Act To Amend the Laws Governing the Licensing of
Technicians Involved in a Display of Fireworks or Special Effects
(H.P. 590) (L.D. 839)

An Act To Amend the Law Regulating the Use of Explosives
(H.P. 591) (L.D. 840)
(C. "A" H-27)

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.

An Act To Support the Maine Lobster Industry
(H.P. 142) (L.D. 182)
(C. "A" H-29)

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

On motion of Representative KUMIEGA of Deer Isle, 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. 39

YEA - Ayotte, Beaulieu, Beavers, Beck, Bennett, Berry, Black,
Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey,
Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark,
Cooper, Cray, Crockett, Daughtry, DeChant, Devin, Dickerson,
Dill, Dion, Doak, Dorney, Duprey, Evangelos, Farnsworth,
Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford,
Gilbert, Gillway, Goode, Graham, Grant, Hamann, Harlow,
Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson,
Johnson P, Jones, Jorgensen, Kaenrath, Kent, Kinney, Knight,
Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman,
Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker,
Marean, Marks, Mason, Mastraccio, McCabe, McClellan,
McElwee, McGowan, McLean, Monaghan-Derrig, Moonen,
Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke,
Noon, Nutting, Parry, Pease, Peoples, Plante, Pouliot, Powers,
Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell,
Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley,
Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Tyler,
Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette,
Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Davis, Dunphy, Espling, Guerin, Johnson D, Keschl,
Libby A, Malaby, Peavey Haskell, Sanderson, Sirocki, Turner.

ABSENT - Beaudoin, Cotta, Crafts, Peterson, Saxton.

Yes, 134; No, 12; Absent, 5; Excused, 0.

134 having voted in the affirmative and 12 voted in the
negative, with 5 being absent, and accordingly the Bill was
PASSED TO BE ENACTED, signed by the Speaker and sent to
the Senate.

On motion of Representative FREDETTE of Newport, the
House **RECONSIDERED** its action whereby Bill " An Act To
Increase Municipal Agent Fees for Licensing and Registration of
Motor Vehicles "

(H.P. 280) (L.D. 405)

Was **PASSED TO BE ENACTED**.

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. 40

YEA - Beaulieu, Beavers, Beck, Berry, Boland, Bolduc,
Brooks, Carey, Casavant, Cassidy, Chapman, Chipman, Cooper,
Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Evangelos,
Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway,
Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig,
Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kent, Keschl,
Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff,
Luchini, MacDonald S, MacDonald W, Marks, Mason,
Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig,
Moonen, Moriarty, Nelson, Newendyke, Noon, Peoples, Plante,
Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo,
Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short,
Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Welsh,
Werts, Wood, Mr. Speaker.

NAY - Ayotte, Bennett, Black, Briggs, Campbell J,
Campbell R, Chase, Chenette, Clark, Cray, Crockett, Davis,
Doak, Dorney, Dunphy, Duprey, Espling, Fitzpatrick, Fredette,
Gifford, Guerin, Harvell, Jackson, Johnson D, Johnson P,
Kaenrath, Kinney, Knight, Libby A, Lockman, Long, Maker,
Malaby, Marean, McClellan, McElwee, Morrison, Nadeau A,
Nadeau C, Nutting, Parry, Pease, Peavey Haskell, Reed,
Sanderson, Sirocki, Timberlake, Turner, Tyler, Villa, Volk,
Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor.

ABSENT - Beaudoin, Cotta, Crafts, Peterson, Saxton.

Yes, 89; No, 57; Absent, 5; Excused, 0.

89 having voted in the affirmative and 57 voted in the
negative, with 5 being absent, 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**.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting
Ought to Pass as Amended by Committee Amendment "A"
(H-89) on Bill "An Act To Ensure the Confidentiality of Concealed
Weapons Permit Holder Information" (EMERGENCY)

(H.P. 250) (L.D. 345)

Signed:

Senators:

VALENTINO of York
BURNS of Washington
TUTTLE of York

Representatives:

BEAULIEU of Auburn
CROCKETT of Bethel
DeCHANT of Bath
GUERIN of Glenburn
MORIARTY of Cumberland
PEAVEY HASKELL of Milford
VILLA of Harrison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-90)** on same Bill.

Signed:

Representatives:

PRIEST of Brunswick

MONAGHAN-DERRIG of Cape Elizabeth

MOONEN of Portland

READ.

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

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative **PRIEST**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. You might wonder "Why the Minority Report?" when there are only three of us on the Minority Report, and I think you need to look at the history of concealed weapons permits to be able to understand why the three of us felt so strongly about this. The Second Amendment to the U.S. Constitution guarantees the right to possess a firearm, protect yourself, your family, and your home. The *Heller* decision of the U.S. Supreme Court in 2008 made that clear, but no decision of the U.S. Supreme Court or of the Maine Supreme Court has said that there is a constitutional right to a concealed weapons permit. Indeed there is a decision of the First Circuit Federal Court, the court right under the U.S. Supreme Court, which applies to Maine, which says "Under our analysis of *Heller*...[the state] may regulate the carrying of concealed weapons outside of the home.", *Hightower v. City of Boston, 2012*. There is a similar decision, *Peterson v. Martinez, 2013*, in the Tenth Circuit, which covers the area around Colorado. If you look at the history, in fact in the first half of the 19th century, some southern and border states and Indiana banned the carrying of concealed weapons, and those prohibitions were generally upheld by their courts. So it's clear that states in main can regulate concealed weapons permits. There is no right to a concealed weapons permit. It is a privilege, which the state can regulate.

So let's look briefly at the history of concealed weapons permits in Maine. They were first issued in 1917. At that time, no part of the law talked about whether the permits were public or secret. The Legislature continued to enact small changes to the concealed weapons permit until 1981. At that time, there was a substantial revision to the concealed weapons law, which stated at the end "The issuing authority shall make a permanent record of each [license]...in a suitable book or file kept for that purpose. The record [shall] include the [date of issuance, the name, age, sex, and street address of the licensee] and [shall] be available for public inspection." Until this year, over 30 years, that law has been the law in Maine. So why is there a need to change this law which has worked so well since 1981? First, you have to note that this proposal was not unique to Maine. There is, at present, a concerted effort throughout the United States to make concealed weapons permits secret. Virginia, for example, is a good example of that.

So why is making concealed weapons permits secret necessary in Maine? At the hearing, with a large number of people testifying in favor of the bill, no one could point to the harm they had suffered because of the permits being public in this state. A lot of the testimony revolved around publication in a suburban New York newspaper of the location of handgun permits holders in two New York counties. This was done by putting a dot on a map for each permit holder, and if you clicked on it, you got the name and address of the holder. Many of those

testifying said this could happen in Maine, and if it did, they would be exposed to burglaries to get their guns. However, there was no proof that the New York publication caused any harm to the permit holders and the local New York police said that they could not find any. Nevertheless, there was great fear by those who testified that this could happen. So, in an effort to alleviate these fears, the Minority Report exempts from the public records law the following classes of people who hold concealed weapons permits: Those whose life or safety may be endangered by disclosure including active or retired law enforcement officers, active or retired magistrate judges, prosecuting attorneys, those protected by a valid protection from abuse order, witnesses in a criminal proceeding and jurors in a criminal proceeding. As well, if a person files an affidavit that they have reason to believe their life or safety may be endangered by disclosure, their permit will be secret. If a person says they may be subject to unwanted harassment because of disclosure, their concealed weapons permit will be secret. As well, the Minority Report provides that the issuing authority may provide information upon request that a permit has been issued to a named individual or an individual at a specific address and that the requester is limited to one answer per day. This will prevent publication of mass list of permit holders, which was the great fear at the hearing.

Now this report is clearly a compromise. It upholds Maine's Right to Know law. You can still get the name and address of a person who has a concealed weapons permit provided they are not in one of these protected classes, but it still protects anyone who can show that disclosure might harm them. To make all concealed weapons permits secret means you can never find out if a convicted felon has gotten his permit revoked, or that a person who has just had a protection from harassment order issued against them has their concealed weapons permit revoked. To make all concealed weapons permits secret means you place all your trust in the police and the issuing authorities, and maybe municipal officers, with no ability to verify. To put all your trust in government without verifying through public records puts absolute power in the hands of government. It goes against conservative principles and is neither good for the government or its citizens. As Lord Acton said, power corrupts; absolute power corrupts absolutely. I ask you to support the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the Minority Report for a number of reasons. This, as Chairman Priest has indicated, is part of the sunshine law, which Maine has proudly been a supporter of for many decades. It's about public access to government records and the purpose of that is a check on government, a check that otherwise we have to abandon. Now we're talking not only about a check on whether or not permits should have been issued, but also a check on whether they were wrongfully denied. Without this openness, there is no way for an aggrieved permit seeker to find out whether other similarly situated persons were given different treatment. There is a lot of misconception about concealed weapons permits. Let us understand something. There is no list. When you apply for a concealed weapons permit, you go to your local police department or town clerk and you fill out an application. It's up to those entities to decide whether or not you have satisfied the rules in order to get it. That includes the kind of information you would normally provide in a background check. It also includes questions about your moral character, frankly, and those records are kept at the local level, so permit applications and permits are spread throughout the hundreds of

towns of Maine. There is no central repository. There is no master list. So the idea of using this list inappropriately is farfetched at best. You'd have to know where to go and you'd have to go to the office of that particular municipality in order to find out whether a particular person has a concealed weapons permit. Note also that the judgment of whether or not to issue a permit has subjective aspects to it. In my town, for example, I spoke to the police chief and he indicated to me that he used the moral character aspect of the requirements as a way of keeping permits from people he just knew, from past experience, were a danger to the community if they had a concealed weapon. Now other towns may or may not do the same thing, but I suspect that there is no universal rule about when to issue permits. Frankly, I am pleased that my police chief takes that kind of attitude towards the issuance.

One of the things that the Majority bill does not do is protect our law enforcement personnel. As it stands now a policeman, any law enforcement agent, stopping a car, for example, has absolutely no way of knowing whether that driver has a gun in his pocket. No way. He can find out if there is a warrant for his arrest. He can find out if he owes back taxes. He can find out lots of things, but he does not know whether or not there is a gun in that man's pocket. I say that is a disgraceful way to treat our law enforcement personnel. One of the things that the Minority Report does is take the first steps towards allowing the state police to get a better handle on who has concealed weapons permits and provide that information, ultimately, to officers on the beat. It doesn't create a list, but it takes the first steps in that direction and I think that that is something that we owe our law enforcement personnel.

Some worry that there are legitimate reasons for making all gun permit applications and permits public because the people who came before their committee came with great fear of being exposed in this way, and I do not doubt the sincerity of their worries nor do I doubt the sincerity of the committee members who took that to heart. However, we cannot make legislative decisions based on speculation. None of these people have been harmed. None of the people in New York have been harmed. That's not to say it's not possible, but we cannot protect against every threat that may or may not arise. We have to legislate based on facts and what is a reasonable threat. I say the Minority bill does just that. It identifies the kinds of people who have a legitimate reason to be afraid – judges, prosecutors, jurors, people under abuse orders, and so on and so forth. These are people who have a legitimate fear of others coming to their home or elsewhere with an intent to harm them. We know that from news reports from around the country and we know that in our own lives. So the protection of people who need protection is covered by the Minority Report. The people who came with speculative fears, I believe, have come to that position based out of fear, a paranoia that has been fueled by the gun advocacy groups that is not based on reality. It is based on a need to build up their own membership and to sell guns, and that is not a way to legislate. We have a duty to base our legislative decisions on facts, not on fear, not on fear of our own political future, and not on speculative fear of the witnesses who appear before the committee, who I would say were brought to those hearings by gun advocacy groups. Here's a fact we do know: Since 2007, over 500 people have been killed unjustifiably by people with concealed weapons permits. Fourteen of those people were law enforcement officials. We know that only because of newspaper reports, because there are no records in any state that would allow us to compile the full extent of aggravated injury that has resulted because people carry concealed weapons. The lesson that I draw from these statistics is that, in many incidences,

having a concealed weapon does not prevent injury. It aggravates the likelihood of injury, grievous injury and even death, at least 500 of them in the last five years. That's a fact.

One other point that I would like to make. One of the requirements for getting a concealed weapon is that you be trained in the use of "a" firearm. There is no requirement that you be trained in the use of the particular firearm that's in your pocket, nor is there any requirement that you be trained in the use of a firearm in a crowded situation where bystanders may be injured, and that is the fear that police and other law enforcement officials have used in the context of whether or not to arm people in schools or other situations, that more harm can be expected from the use of untrained personnel with guns than from a trained police officer. It's not a step to be lightly taken. It's a dangerous step. You know, we can't be safe all the time. Dictatorships are safer than democracies, but we don't want to live that way. We live in a democracy and we have to take some risk in order to live in a free society, and I think that this, that the Majority Report goes too far, both in closing us off from the ability to know who is carrying a concealed weapon and in setting a precedent for what kinds of records will be made available to the public. There are lots of lists that are public. If you want to find somebody, it's not hard. There is driver's licenses. There is fishing licenses. There is hunting licenses. You want to find that person, you can easily do so. There is also a way that's already on the books of concealing your address in case you feel that your whereabouts poses a threat to your safety. This is an issue, as well as the bills that will come before us later in the next few days, that is not about putting up a sign. It's not about building a bridge. It's about life and death. I think that we have been elected to serve our citizens, not only to reflect their views, which is important, but also to stand on principle, and if you believe that this is the right thing to do, you should vote for the Minority Report and take the consequences. That is why we are here. We are here to be strong. Thank you.

Under suspension of the rules, members were allowed to remove their jackets.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'd like to briefly speak to how this bill got to be before us. This bill was brought forward as a result of an initial request by a newspaper here in the State of Maine, a newspaper that I read daily and I respect the work that they do, but this was sort of a global request for information on concealed weapon permit holders. As a result of that request, leadership in both parties, in both houses, worked together to create a moratorium so that we would have time to work through this process, a moratorium which runs out at the end of this month. I think it was appropriate that both Democrats and Republicans worked together to create that moratorium so that we could have this debate, this discussion, this conversation in Maine on this very difficult issue. It is an issue which intermingles the right to privacy, a right that I believe is incorporated into the Constitution and another constitutional right, the right to have a firearm. That right was specifically cited and amended in our State Constitution back in 1987 when the good Representative from Eagle Lake, Representative John Martin, submitted a constitutional amendment which identified that specific right to be a personal right, a right to bear arms.

In this body, we have to draw lines. That's our business. We

draw lines on whether or not health information should be public or private, and as a Legislature and as a society, we've determined that health information should be kept private for various policy reasons and for good policy reasons. We live in a society today that is unlike the society that our children or that we grew up as when we were children. We need to look no further back than a week ago Monday and the events in Boston at the Boston Marathon to recognize that we live in a different society, a society where terrorism, both international and domestic, is present. We saw a major American city on lockdown because of a search for an individual, and I am certain there were many individuals that were aware of the moment and were aware of whether or not they themselves locked in their homes had access to a firearm to protect themselves in the event that someone came there. This bill today looks at the privacy right that you or I or any citizen in this state has to have a concealed weapon permit and not have that to be public information. A hunting license, a driver's license, we have made the determination that those should be public information. Those rights are not guaranteed under the Constitution of our state or our federal Constitution. This is different. A similar bill to this one was just voted on, I believe and I can stand corrected, in our United States Senate where I believe there was a vote of 67-30 to support a bill very similar to this bill.

Now not too long ago we had a controversy over whether or not to override a gubernatorial veto and I stated at that time that I believed that it was important to recognize the work of the committee, the committee that had reported out a unanimous Committee Report, and in this instance I believe the committee did good work. They listened. They had people come before it. They worked the three months that we gave them time to work, and they came back with a 10-3 Committee Report, a majority Committee Report. We stand here today debating the Minority Report where only three people voted for the work out of that committee, and I believe that is inconsistent with the work that we've done so far in this building this session. I am going to support the work of the committee, not to give the committee absolute deference but certainly to give the committee deference on the work that they have done. I believe it's appropriate that we vote down the Minority Report, support the work of the majority on this committee. Mr. Speaker, I ask for a roll call, and Mr. Speaker, I request that the Speaker read the Committee Report. Thank you.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

The same Representative **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 Buckfield, Representative Hayes.

Representative **HAYES**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. LD 345 is not a gun bill, it's a public access bill and I'm going to read very briefly for you from an editorial because it was written by a constituent of mine, and I think it really hits the nail on the head and I'd like you to consider this information before making your decision. To frame that up for you, Maine is an open carry state. You can openly carry a gun and you won't be on anybody's list. That's the way the law works. Now we might debate at some point whether we should be an open carry state or not, but that's not the debate we have today. The debate we have today is whether the law on the books about concealed weapons permits is adequate or

whether it needs to be changed. I rise in opposition to both reports, but I'll speak to the Minority Report at this point because that's what's before us.

I believe the current law is adequate. Here's what the current law says. So that you can read it yourself, it's in Title 25, Part 5, Chapter 252, subsection 2006. "The issuing authority shall make a permanent record of each permit to carry concealed handguns in a suitable book or file kept for that purpose. The record must include the information contained in the permit itself and must be available for public inspection." Now if we enforce the law on the books, we don't even have a problem responding to the *Bangor Daily News* when they ask for a copy, because all we have to do to meet the letter of the law is make that book available for inspection. We don't hand over, we don't change ownership of the list, we make it available by the issuing authority and the law currently allows a variety of authorities to issue these permits so there is no one database. Maybe there should be. There isn't one. They exist community by community and then the State Police have a list. It depends on the issuing authority. That's what the law says. I would suggest to you that that law is adequate.

Right now and what we're being asked to do is to create an exception in public access for which only one currently exists, and I'll read from, this is from an editorial written by Judy Meyer who happens to be a constituent of mine and employee at the *Sun Journal*. If passed by the full Legislature, LD 345 or either of the reports would create a special shield of a government required, government regulated and government enforced permit. It would be the first secret permit issued to individual citizens in the State of Maine. This is significant precedent setting. Be aware of that when you push your light. Under current law, there is only one permit shielded under Title 7 protecting trade secrets of livestock nutrition plans noted on a commercial agricultural permit. There are a host of secret trade shields in Maine law that ensure fair competition, but none to conceal a government issued permit for personal use. Is this really a door we want to open at this point in time? Will this improve circumstances for Mainers? Will it prevent anyone from being harmed? I've not heard any information prior to this particular floor debate or during this debate on any harm that has come to a Maine citizen because of the existing law on the books. Again, I respectfully disagree with my colleagues on the committee. I ask that you weigh carefully the significant precedent in this vote and I urge you to vote no. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Harrison, Representative Villa.

Representative **VILLA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the Minority Report. This bill is not about the right to own or carry a weapon. This bill is before the Judiciary Committee because it has to do with access to public information under Maine's Freedom of Access Act. Maine's Freedom of Access Act is intended to maximize transparency in government. FOAA was not intended to allow for the collection and publication of information of our law-abiding citizens. The FOAA public records exemption checklist states "Whether public disclosure jeopardizes the safety of a member of the public or the public in general and, if so, whether that safety interest substantially outweighs the public interest in the disclosure of records." The Minority Report does not address concerns about victims of domestic violence. Every member of the Judiciary Committee voted to change Maine's law regarding confidentiality of these permits and many voted based on concerns about vulnerable persons potentially exposed to violence or harassment because of information contained in these records. Yet despite the urging

for protections by the Maine Coalition to End Domestic Violence and others, the Minority Report is not being put forward as emergency legislation. If passed into law, there will be a significant gap in time during which all permit holders, including the most vulnerable, will be subject to exposure. Therefore, we recommend Ought Not to Pass on the Minority Report. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Wilson.

Representative **WILSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As the bill's sponsor, I rise today to speak in opposition to the Minority Report.

LD 345's intent was to ensure the confidentiality of all concealed handgun permit holders, whereas failing to keep their information confidential poses a serious threat to their life and safety. The intent was to protect everyone, including victims of rape and domestic violence, police officers, and judges – and with all due to respect the good Representative from Brunswick, the proposed amendment does none of that.

The proposed amendment will cost the taxpayers an incredible amount of money, while protecting very few people; meanwhile there are other options which protect all citizens and cost the taxpayers far less money which will be discussed later.

The Minority Report will require an individual to file an affidavit to keep their name confidential – this will be processed by someone and at some cost. It will require an appeal process which will inherently have an additional cost.

Furthermore, the Minority Report is not supported by the groups that the author of the amendment aims to protect. The Maine Coalition to End Domestic Violence cited the following concerns with the amendment: Given that there is no central permitting authority, they have concerns about the consistent management of the affidavit/statement procedures. They are not clear on the processes for notification of existing permit holders that they would have a process for keeping their identifying information confidential. There would be a cost for developing, instituting and managing these additional components of the permit process. There is already a 6-month waiting period. This is important. There is already a 6-month waiting period to obtain a concealed handgun permit through the state police and that is due to their limited staff, and it can go without saying that placing an additional burden on them will most certainly increase that time to exceed the 6 months that we're already at. This amendment would carry a fiscal note and it will place an unfunded mandate on municipalities. This amendment does not move forward as an emergency bill – and this is extremely important – that will allow for a window of vulnerability for 90 days which the temporary bill that we have already passed as a Legislature will expire. It is for these reasons, and for many more, that I oppose this amendment and I urge the other members of this body to follow my lead in opposing. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Cape Elizabeth, Representative Monaghan-Derrig.

Representative **MONAGHAN-DERRIG**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I'll repeat again, like other lawmakers have said, this bill is not about concealed weapon permit holders rights. This bill is about public access and the right to know. I'm leery about any restrictions on public records; however, Representative Priest's amendment is a good compromise that addresses privacy concerns and still holds public agencies accountable for the decisions they make in issuing concealed carry permits. The Majority Report alternative sets a bad precedent by poking another hole into the Right to Know laws.

During committee deliberations, I often heard the comments "Well, there's so many exceptions to the Right to Know laws that this just should be another one." Yes, there are a lot of exceptions, but there are absolutely no Right to Know records exceptions that involve a deadly weapon. Another comment I would often hear would be "Well, things have changed. The internet has grown significantly." and "Facebook and database hacking have become serious problems." Well, other things have changed as well. Gun rights organizations have increased in membership ten to twentyfold. The manufacturing and type of style of guns have increased significantly, for me, to the point of horrific. I also heard "No law-abiding citizen should have to have their gun permit information public." If you are a law-abiding citizen, then you should have nothing to fear. If you've had a concealed weapons permit for the past 32 years and if you have not experienced any invasion of privacy or serious threat to your life and safety, it is likely you will not experience any invasion of privacy for the next 32 years. Might I just add that there are current structures in place where victims of violence or abuse are protected? The Minority Report does strengthen these current structures. This bill, if passed, with the Majority Report, will face further hurdles down the road given the current lack of a structured state gun permit database. Also, there are several other gun related bills that, if passed, could very well reverse the intentions of the Majority Report.

Finally, I just want to say gun right groups can galvanize their members all they want by sending out alerts, sending scripted emails to legislators. But please, Ladies and Gentlemen of the House, keep in mind that a committee room full of gun right advocates may give the appearance that all people in Maine are in support of making concealed weapon permit holders becoming private, when in fact most people, particularly those living in urban areas, including my constituents, support keeping the permits public. I ask for your vote for the Minority Ought to Pass. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Glenburn, Representative Guerin.

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand today as a member of the Judiciary Committee's majority which does not support this Minority Report. This amended report does not protect the privacy of concealed permit holders. I have received a mountain of support from Mainers all over our state asking us to protect our citizens' privacy. Please join me in voting no on this Minority Report that does not protect the privacy of Maine citizens and does not reflect the opinion of the majority of the people that we represent.

The **SPEAKER**: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. My previous eight years up here, I spoke against any new gun laws and I am speaking against any laws now. I support Representative Wilson's bill as he originally wrote that bill. Maine is one of the safest states in this country to live in. The most safest state is Vermont. Vermont gun laws I've spoke about so many times, I check to make sure they are still the same. State permit to purchase a long gun, no requirement. A handgun, no requirement. Firearm registration, long guns, no; handguns, no. Assault weapon law, no for the long guns, no for the handguns. Owner's license required, long guns, no; handguns, no. Carry permits issued, long guns, no; handguns, no. State preemption of local restrictions, yes, long guns, yes. The term, the word "carry," is widely used by gun rights advocates that refer to allowing citizens to carry a firearm, concealed or openly, without

any sort of permit requirement. However, this term is being replaced by the term "constitutional carry." Vermont law does not distinguish between residents and nonresidents of the state. Both have the same right to carry while in Vermont. The purchase, there is no permit required to purchase, and there is no permit for possession and no permit for carrying. I remember one Sunday morning when I was watching "Meet the Press" and Howard Dean was on, a former surgeon, a former doctor, a former Governor of Vermont, a former presidential candidate and a former leader of the Democratic National Party. Tim Russert looked him in the eye and asked him "Is it true that you have no gun laws in Vermont" and his answer was "That's correct and we intend to keep it that way." Now if the people who want to know if I have a permit to carry in the State of Maine, I do in Maine and Vermont and New Hampshire. I don't need one in Vermont. If they want to know so seriously, who carries and don't carry, maybe we should adopt Vermont's laws and have no permit to carry concealed. I understand we've got 23 gun bills coming. I'm not going to stand up and speak against 23 of them, so I am making my initial speech now that I will not be supporting any of the new gun laws. I will be supporting less. I support Representative Wilson's bill in its original form. Thank you, Mr. Speaker.

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

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to support this Minority amendment and from a very simple point of view. I am told we live in a world in our country today where we have over 300 million guns, and I am told that we have 30,000 people in Maine who have concealed weapons permit carries, and the question behind this issue for me is what is the belief or assumption that says we need 30,000 people to have secret guns, that they should be able to walk in our communities and go in our schools and be in our stores but to keep it secret about whether they have this kind of permit? It feels to me like it is a request based upon fear, that we must live our lives in fear that somehow people might know that we have guns. I reject that fear. I reject a future that says we have to have 30,000 people in the State of Maine to have secret permits, and, by the way, 5,000 of those people are out of states. I reject this fear and I reject this future for our state. Thank you, Mr. Speaker.

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

Representative **MOONEN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I also rise as a member of the Judiciary Committee and I've heard a lot of misleading information about victims of domestic violence for weeks and months and here on the floor today, and I want to let everybody know that victims of domestic violence already have protection because the state has what is called the Address Confidentiality Program. What this means is if you are a victim and you fear for your personal safety, the state will help you in arranging for you to have a fake address. So then, if you go get a concealed weapons permit, your fake address would be on your permit. So it is ridiculously misleading to imply that this is about victims. Victims have avenues to protect themselves. We've provided those for a very long time and I'm glad that we have those avenues for them. This is not about the victims who are a tiny, tiny slice of the more than 30,000 concealed weapons permits holders. This is about everybody else.

We did hear a lot of testimony about this bill at the public hearing. There were about 100 people who turned out in support of this bill. I had the privilege about four years of being part of what I consider the greatest legislative campaign team ever

assembled, and when we had to do a public hearing, we turned out more than 4,000 to a public hearing so 100 doesn't really impress me very much. We also had 100 people come out to a public hearing and tell us that we should abandon Agenda 21, we had 100 people come out and tell us we should completely cease to operate eminent domain, and I'm sure two or three weeks from now we're going to have 100 people come out and tell us that we should ban abortion in this state. Just because we have 100 people come to a hearing does not mean they are the majority, in any of those cases or in this one, and the public polling on this one has been very clear. The majority of people asked in polling want this to be public information, so 100 people is just not going to do it. I'm not going to give in to the hysteria. The only concern that I feel like is legitimate with this bill is the mass publication of an entire list of everyone who has these permits. I share that concern and the Minority Report addresses that by making it virtually impossible to publish the list, a complete list. So I think the Minority Report is the way to go and I will be supporting that. I cannot support the Majority Report and ask that everyone else vote with me. Thank you very much.

The SPEAKER: At this time, we have several more in the queue for debate. We do not restrict debate, but I do want to remind members to keep your remarks to the report that is before us and that is the Minority Report.

The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. First off, I want to thank the committee. I thank the committee for their hard work and for coming forward with two reports that are both Ought to Pass, so that, to me, says there is obviously something wrong with the situation we currently have. We have a Minority Report that is before us now and a Majority Report that's sort of waiting in the wings, you could say. You know, there is a lot of discussion right now in regards to this bill, that it's an attempt to skirt Maine's public access laws, to serve the interests of the gun advocates, but it's important that we recognize the work that the committee did do to recognize the issues that people did bring forward, where there was a majority of those folks that came forward and testified or a minority, it's really clear that there is obviously something with the current situation and system that is an issue. Furthermore, a lot of discussion has been about this Minority Report and the information that would be available to the general public. It seems to me that there is sort of a sense of false security with this Minority Report because all someone would have to do to remain off of this list or out of the file is to actually fill out an affidavit. So if you were looking for someone and they had filled out an affidavit, they actually wouldn't be on this list anyway, so there is that sense of false security.

I think, for me, it's recognizing the effort that this committee did to come up with a bipartisan compromise which is not actually before us now but maybe we'll get to in the Majority Report. I think, furthermore, a lot of discussion has been focused on issues not relating to this bill and not actually relating to Freedom of Information, and sort of protecting individual rights and individual privacy, which this bill is really about. So I wanted to read to you, if you'll bear with me while I paraphrase, but Maine Right to Know laws are not designed to reveal personal information about members of the public who do not serve in government to the broader society. In an age of identity theft, aggressive and coercive marketing and sales tactics, a significant invasion of personal privacy, it is more important than ever that the government safeguard any personal information of citizens that falls into government hands and that includes email addresses. I read that to you because it's from the American Civil Liberties

Union of Maine and it's not from this bill, but it's for another bill, LD 104, which is "An Act To Amend the Laws Governing Public Records." So I say that to you now as just a reference to another situation and just to really think about this. Is this information that we want sort of spread wide, spread far, put on the internet? I don't think so and I will be supporting the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative **CROCKETT**: Mr. Speaker, Distinguished Members of the House and the rest of us. I have the privilege of sitting on the Judiciary Committee with the good Representative from Brunswick, Representative Priest. In fact, in my first year here in 2008, he taught me the skills in analyzing good legislation. It doesn't come with a political label. Instead it's just well written laws. So it is with that thought in mind that I went through the amendment thoroughly this weekend, and I was out cutting firewood and some guy stopped as I was thinking through it and he asked me what was going on in the Legislature this week and so I tried to explain the Minority Report's amendment, knowing that it would be the one that we would debate. Because for those who don't know, we cannot debate the bipartisan Majority Report that hopefully we'll have a chance to, not that that's been reiterated today already. So as I'm explaining to this guy over the woodpile the merits of this Minority Report, he uses a funny analogy. He goes "It's kind of like cheese. It's like Swiss cheese." I was like "What do you mean?" He says, "Well, it has a whole lot of holes and it smells funny." That caught me by surprise, but it was a good analogy from a regular guy out there working. So let me talk about those holes.

First off, you've got your issuing authority. We've heard earlier the talk of each town is its own issuing authority. Well, as many of you know, the Department of Public Safety does the examinations on 409 municipalities, so that's why when *Bangor Daily* submitted their FOAA request to Public Safety, 409 municipalities' information would have been out in a single swoop. But the next question is in the Minority Report. It says, and it was a stroke of genius followed from a D.C. law, and it says that the requestor can only request one name per day, and the question remains is that from any issuing authority? Can the Town of Bethel authorize one and then the Town of South Paris authorize another for the same person, or are all the municipalities supposed to get together and determine who is introducing it and whether that's one person can go to just anywhere in the state for that one name or can they go to each individual issuing authority in all the municipalities independently? It's unclear, and that's the problem. It's not necessarily poorly crafted. The intent was good, but it's unclear. The next question is and perhaps the biggest problem is not what's in the bill but what's not. The emergency preamble is missing, okay? That's a two-thirds vote in order to take effect when this moratorium ends. But the next problem is the mandate language. This is a mandate and that is distinctly different because you are requiring towns to do something. We recognize that there is another report that has a mandate, but this one doesn't have the mandate language so whether it's even valid is a question, because I think the Maine Municipal Association issued, on April 23, their opinion of the Minority Report and it suggests there is a mandate. It's missing from this amendment, so that alone would sink it as a poorly crafted bill.

The second question is one of qualifications. Now there is exemptions. If I'm applying for a concealed weapon under this amendment, well, I can exempt myself by claiming I'm harassed, I'm a judge, a former prosecutor, a lot of well thought out exceptions. The problem is if you already own a concealed weapon and you fall under one of those categories, including

your life is in danger, you're going to have to, the way it's drafted, it appears you're going to have to wait until the next time you apply for a permit before you can get that exemption. That, I don't think, was the intent of the legislation but that's what it says. So I'm not going to ramble on and on about the virtues of whether this should be private and I'm not going to go in great depth on the fact that domestic violence, it was mentioned earlier, that people already have an avenue of protecting themselves if they are victims of domestic violence. Well, that's true, but only if it's already been adjudicated and you've already went to court. That does nothing for you if you haven't made that step yet, so the women who is in danger today and who hasn't gone to court, the Majority Report would protect her. The Minority Report wouldn't. That was one of the key distinctions. But I'm not going to go into any more detail on it. I'm just going to kind of finish with what my neighbor said at the woodpile on Sunday. He said, "It just doesn't make sense and it's nobody's business whether I have a weapon or not." And that's just common sense and it seemed to make sense to me, so I'll be voting against the Minority Report and hopefully we'll have a chance to engage the Majority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative **PRIEST**: Thank you, Mr. Speaker. Just a few comments. I'm always glad to hear from the good Representative from Bethel. It's a pleasure to hear his concerns, but I think some of them are unwarranted and I will deal with them shortly. First, I'd like to say that there is no right to privacy for a concealed weapons permit. No court that I'm aware of has recognized such a right. Certainly no Maine court has recognized such a right. If there's going to be a right to privacy, it's only going to be a right that we, the Legislature, confer statutorily. But there is no constitutional right to privacy for a concealed weapons permit, so that argument does not hold water. Now, let's talk a little bit about personal information because we heard recently that in fact we would be exposing personal information to the public. In fact, that's not true. The only thing in the concealed weapons permit is the name and address of the person, but all of the application information is confidential, has been since 1981, continues to be confidential. That's this law. This proposal does not change that. So personal information, including your email address, is not going to be revealed.

Now, we heard that we were concerned that there is a six-month waiting period and this might interfere with this. Well, that six-month waiting period might make you wonder if a felon's permit has been revoked, if there's a six-month waiting period. So that would be a six-month period presumably while this person who is a convicted felon has a concealed weapons permit and you won't be able to know whether that's been given or not unless you have some ability to check the name and address. Is this a mandate? Well, let's read the fiscal note. This is done by the financial office of the Legislature, and it says "Fiscal Detail and Notes. Additional costs to the Department of Public Safety associated with manually redacting concealed handgun permit information, preparing the required plan and reporting the results can be absorbed within existing budgeted resources." There is no mandate on this Minority Report. Ask yourself the same question if and when the Majority Report comes up.

We talked about domestic violence. Once again, I would point you to the provision in the law which we are proposing, which says you have a confidential concealed weapons permit, if the applicant has a reason to believe that the applicant may be subject to unwarranted harassment upon disclosure of such information. That takes care of the argument that you've got to

go to court. That takes care of the argument that you're in fear. So that objection doesn't hold much water. Finally, the concern about not having an emergency preamble. Well, ladies and gentlemen, if this passes, I would be delighted to put an emergency preamble on it by an amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative DeChant.

Representative **DeCHANT**: Thank you, Mr. Speaker. Good afternoon, Women and Men of the House. While the affidavit process as created by the Minority Report does give Mainers an opportunity to shield their records and future applications, it concerns me as a member of the Judiciary Committee that it does not provide a mechanism for notifying existing current permit holders for the availability to request confidentiality. So it leaves thousands of people right now vulnerable to not being able to or not be aware of being able to perceive that. Nor does it create a process for people who may become victims of stalking or domestic violence since their permits were granted.

Furthermore, a concern that I have, that we have on the exemptions of the Minority Report, it is because they are so broad that it is problematic. In addition to witnesses and jurors in criminal proceedings, current and former law enforcement officers, are those with protection from the abuse orders. Literally, anyone who fears unwanted harassment can trigger a FOAA exception. Now, I'm not sure exactly what that means, I'm not an attorney, but I do guarantee that that exemption is one that you could drive a truck through, which leads to further concerns about the reliability of the information for those that actually do seek FOAA requests. Now, consider for a moment if someone was to ask if a person lives at 22 Spring Street in Bath, if they actually had a concealed weapons permit and then that person actually filled out an affidavit in one of these broad gestures, then what would the requestor, what sort of information and quality of information would that person receive? The exemptions proposed in the Minority Report would arguably cover every single person, in one way or another, but it corrupts the data and the information left behind as incomplete, at best, and dangerous, at worst. So considering the subjectivity of the exemptions of the Minority Report, those seeking this information for legitimate safety interests may have misleading information, and instead it provides inaccurate data and creates a dangerous sense of false security and so I urge to vote against the Minority Report. Thank you.

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

Representative **MORIARTY**: Thank you, Mr. Speaker. Fellow Members of the House. I am also a member of the Judiciary Committee and I rise to speak this afternoon in opposition to the motion made by my colleague, Mr. Priest, and to the Minority Report itself, and I do so respectfully, having been through all of our hearings, having heard my colleagues express their concerns, and of course having heard the testimony of the witnesses who have appeared before us. There is and always has been a tension between the Freedom of Access Act and the individual right to privacy. That tension exists today. There is no question about the public's right to understand and appreciate and to observe and scrutinize the operations of government and everyone's elected officials at every level. But overriding all of that is a sincere and genuine concern about the preservation of personal privacy, which today, perhaps more so than ever, is under attack from a variety of sources and origins, and it seems to me that any issue which potentially acts in derogation of personal privacy ought to be seriously scrutinized and scrutinized in detail before it continues on or is allowed to continue or is created. Bearing the fact in mind that this is a Freedom of

Access issue, it came to the Judiciary Committee. It is not fundamentally a firearms issue at all, otherwise it would have gone to a different committee altogether.

A number of good points have already been made. I won't repeat them. I will point out the criteria that exists in the Minority Report and the deficiencies that I perceive in those criteria. First of all, they apply to those who may be seeking a concealed handgun permit in the first place, but not to those who already hold such a handgun permit, and it's unclear whether those current holders would be subject or eligible for the various protections set forth in the Minority Report. It provides that if one is currently protected by a protection from abuse order, one's identity may be concealed; however, that order typically is of short duration. If it expires, the danger and the threat doesn't necessarily expire with it. It imposes a new bureaucratic burden upon the applicant to prepare an affidavit, but doesn't suggest who was to read the affidavit, who was to determine whether the affidavit was accurate, who was to determine whether or not to approve the affidavit. It doesn't tell us whether the affidavit needs to be renewed periodically or is of indefinite duration, so the protection of the affidavit may not be as extensive as it might appear to be at first blush. It also proposes that if someone is subject to unwarranted harassment, they can seek protection. The point I want to make is this: It isn't necessarily speculation or paranoia that one may be in fear of one's life or bodily health, or whether they be in fear of undue harassment. Only the individual, him or herself, is in the best possible position to know whether or not those factors exist and we ought to defer to the judgment of those individuals. Secondly, if disclosure is made, the harassment, the threats and so forth, may only then begin to develop, and once the cat is out of the bag, there is no going back, there is no unringing of the bell. Harassment may follow disclosure, the fact that one owns or holds a permit, and that, I think, is a significant privacy and safety related issue. I will tell you that we went through the criteria set forth in FOAA to determine line by line in each applicable instance, whether or not the person's privacy outweighed the general public interest in disclosure and knowledge, and by the same vote, the committee found in each applicable instance that the privacy concerns outweighed those of disclosure. For these reasons, I urge the House this afternoon to vote against the Minority Report and the pending motion.

The SPEAKER: The Chair recognizes the Representative from Belgrade, Representative Keschl.

Representative **KESCHL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to make one point. That is your concerns should not be directed at the 30,000 people or so who have concealed weapons permits. These people have undergone a confidential background check. Rather your concerns should be directed at those many thousands who carry without a permit. No public access requirement will resolve this problem. Therefore, I urge you to follow my light and vote against the Minority Report.

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

ROLL CALL NO. 41

YEA - Beavers, Beck, Carey, Casavant, Cooper, Daughtry, Devin, Dickerson, Dill, Gideon, Goode, Hamann, Herbig, Hubbell, Jorgensen, Kent, Kumiega, Kusiak, Longstaff, Mason, Mastraccio, McGowan, McLean, Monaghan-Derrig, Moonen, Nelson, Priest, Rankin, Rochelo, Rotundo, Rykerson, Stuckey, Tipping-Spitz, Treat, Welsh.

NAY - Ayotte, Beaulieu, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cray, Crockett, Davis, DeChant, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gifford, Gilbert, Gillway, Graham, Grant, Guerin, Harlow, Harvell, Hayes, Hickman, Hobbins, Jackson, Johnson D, Johnson P, Jones, Kaenrath, Keschl, Kinney, Knight, Kornfield, Kruger, Lajoie, Libby A, Libby N, Lockman, Long, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, McCabe, McClellan, McElwee, Moriarty, Morrison, Nadeau A, Nadeau C, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Plante, Pouliot, Powers, Pringle, Reed, Russell, Sanborn, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

ABSENT - Beaudoin, Cotta, Crafts, Peterson, Saxton.

Yes, 35; No, 111; Absent, 5; Excused, 0.

35 having voted in the affirmative and 111 voted in the negative, with 5 being absent, and accordingly the Minority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, Representative MORIARTY of Cumberland moved that the House **ACCEPT** the Majority **Ought to Pass as Amended Report.**

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

Representative **MORIARTY**: Thank you again, Mr. Speaker. Just a few short weeks ago, the House, in an overwhelming number, voted to adopt a moratorium on the disclosure of concealed handgun weapon permit holders. That moratorium expires in a few short days, hence our action here this morning. We've heard a good deal of argument on the merits in discussing the Minority Report, but in passing the moratorium and turning this back to the Judiciary, the vast majority of the House placed its confidence in the committee system and in this committee in particular. We have done our due diligence and then some, if I may say so, and we have come out with a vote of 10-3 as everyone knows. Not a lot has changed since our February vote. Again, the personal interests in safety and privacy are preeminent in this debate and the fundamental purposes of FOAA, in my judgment, are not compromised or shortchanged, so I urge a vote in favor of the committee's Ought to Pass recommendation. Thank you.

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

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

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

ROLL CALL NO. 42

YEA - Ayotte, Beaulieu, Bennett, Berry, Black, Bolduc, Briggs, Campbell J, Campbell R, Cassidy, Chase, Chenette, Clark, Cray, Crockett, Davis, DeChant, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Harvell, Herbig, Hickman, Hobbins, Jackson, Johnson D, Johnson P, Jones, Kaenrath, Keschl, Kinney, Knight, Kornfield, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, McCabe, McClellan, McElwee, Moriarty, Nadeau A, Nadeau C, Newendyke, Noon, Nutting, Parry, Pease,

Peavey Haskell, Peoples, Plante, Pouliot, Powers, Reed, Russell, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Beck, Boland, Brooks, Carey, Casavant, Chapman, Chipman, Cooper, Daughtry, Devin, Dickerson, Farnsworth, Gideon, Hamann, Harlow, Hayes, Hubbell, Jorgensen, Kent, Kruger, Kumiega, Kusiak, Mastraccio, McGowan, McLean, Monaghan-Derrig, Moonen, Morrison, Nelson, Priest, Pringle, Rankin, Rochelo, Rotundo, Rykerson, Sanborn, Stuckey, Treat, Welsh.

ABSENT - Beaudoin, Cotta, Crafts, Peterson, Saxton.

Yes, 106; No, 40; Absent, 5; Excused, 0.

106 having voted in the affirmative and 40 voted in the negative, with 5 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-89) 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-89)** and sent for concurrence.

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

SENATE PAPERS

Bill "An Act To Revise the Laws of the Maine Criminal Justice Academy"

(S.P. 518) (L.D. 1432)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Support School Nutrition and Expand the Local Foods Economy" (EMERGENCY)

(S.P. 517) (L.D. 1431)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Bill "An Act To Improve Maine's Economy and Lower Energy Costs through Energy Efficiency"

(S.P. 512) (L.D. 1426)

Came from the Senate, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in concurrence.
