

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Thirtieth Legislature**  
**State of Maine**

**Daily Edition**

**Second Regular Session**

beginning January 5, 2022

beginning at page H-1003

ONE HUNDRED AND THIRTIETH LEGISLATURE  
SECOND REGULAR SESSION  
14th Legislative Day  
Tuesday, April 12, 2022

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

Prayer by Honorable Denise A. Tepler, Topsham.

Pledge of Allegiance led by Honorable Deane Rykerson, Kittery.

The Journal of yesterday was read and approved.

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#### SENATE PAPERS

The following Joint Resolution: (S.P. 748)

#### JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES HOUSE OF REPRESENTATIVES TO ENACT THE SUNSHINE PROTECTION ACT OF 2021

WE, your Memorialists, the Members of the One Hundred and Thirtieth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States and the United States House of Representatives, as follows:

WHEREAS, on March 15, 2022, the United States Senate passed by unanimous consent S. 623, the Sunshine Protection Act of 2021, which makes daylight saving time permanent; and

WHEREAS, the State of Maine, in 2019, enacted the Maine Revised Statutes, Title 1, section 151, adopting eastern daylight time year-round if federal law permits the observation of eastern daylight time year-round and the states in the eastern time zone and the District of Columbia also observe eastern daylight time year-round; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States House of Representatives pass, and the President of the United States sign, the Sunshine Protection Act of 2021; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Joseph R. Biden, President of the United States; the Speaker of the House of Representatives of the United States; and each Member of the Maine Congressional Delegation.

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

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

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#### Non-Concurrent Matter

Bill "An Act To Improve the Low-income Home Energy Assistance Program" (EMERGENCY)

(H.P. 1492) (L.D. 2006)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-900)** in the House on April 5, 2022.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-900) AND SENATE AMENDMENT "A" (S-530)** in **NON-CONCURRENCE**.

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

#### COMMUNICATIONS

The Following Communication: (S.C. 1253)

#### MAINE SENATE 130TH LEGISLATURE

April 11, 2022

Honorable Ryan Fecteau

Speaker of the House

2 State House Station

Augusta, ME 04333-0002

Dear Speaker Fecteau:

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

Upon the recommendation of the Committee on Education and Cultural Affairs:

To the Maine Community College System, Board of Trustees:

- Jane L. Gilbert of Augusta for appointment
- Kate Rush of Newport for appointment

To the University of Maine System, Board of Trustees:

- The Honorable Patrick S.A. Flood of Saco for appointment

Best Regards,

S/Darek M. Grant

Secretary of the Senate

**READ** and **ORDERED PLACED ON FILE**.

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

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#### SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

#### Recognizing:

Margo Moore Interiors, of Camden, which is celebrating its 50th Anniversary. We extend our congratulations and best wishes;

(HLS 755)

Presented by Representative DOUDERA of Camden.

Cosponsored by Senator MIRAMANT of Knox.

On **OBJECTION** of Representative DOUDERA of Camden, was **REMOVED** from the Special Sentiment Calendar.

#### READ.

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned

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#### Recognizing:

Thor Gabrielson, of Rockport, a senior at Watershed School, who as a member of the Camden Hills Regional High School Math Team completed a Maine Association of Math League season with the highest MAML score in history and received the Pete Pederson Bowl. We extend our congratulations and best wishes;

(HLS 756)

Presented by Representative DOUDERA of Camden.

Cosponsored by Senator MIRAMANT of Knox.

On **OBJECTION** of Representative DOUDERA of Camden, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned

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

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**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act To Finance Distribution Investments at the Lowest Cost to Customers and To Encourage Utility Performance"

(H.P. 1119) (L.D. 1511)

Signed:

Senators:

LAWRENCE of York  
STEWART of Aroostook  
VITELLI of Sagadahoc

Representatives:

CARLOW of Buxton  
FOSTER of Dexter  
GRIGNON of Athens  
WADSWORTH of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-976)** on same Bill.

Signed:

Representatives:

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

**READ.**

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

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Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-986)** on Resolve, Directing the Department of Health and Human Services to Contract for Assessments for Involuntary Hospitalizations

(H.P. 629) (L.D. 861)

Signed:

Senators:

CARNEY of Cumberland  
KEIM of Oxford  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
EVANGELOS of Friendship  
LIBBY of Auburn  
MORIARTY of Cumberland  
POIRIER of Skowhegan  
RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:

Representatives:

HAGGAN of Hampden  
THORNE of Carmel

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-986)** Report.

**READ.**

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

The Resolve was **READ ONCE.** **Committee Amendment "A" (H-986)** was **READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-986)** and sent for concurrence.

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Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-987)** on Bill "An Act To Amend the Remote Meeting Law in Maine's Freedom of Access Act"

(H.P. 1323) (L.D. 1772)

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-988)** on same Bill.

Signed:  
Senator: KEIM of Oxford

Representatives:  
BABBIDGE of Kennebunk  
HAGGAN of Hampden  
LIBBY of Auburn  
POIRIER of Skowhegan  
THORNE of Carmel

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-987)** Report.

**READ.**

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

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

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

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

Representative **BABBIDGE**: Thank you, Mr. Speaker. Mr. Speaker, Esteemed Colleagues in the House, I rise in opposition to the Majority Report, which in its attempt to do good has properly made changes. The report before us, like both reports from the committee, do excuse subordinate committees of supervised by a larger board from having to adopt their own remote policy. That's not at issue, in my opinion. This is about remote policy. And to give you a very brief background, in my previous three terms in this tour of duty, my mission was to expand remote participation in public meetings. It just made sense with some of the geographic challenges along our Maine coastline and with the technological possibilities that became available to us. However, I feel the pendulum may swing too far and now that the pandemic has shown us the value of remote participation, I feel there is an obligation for us to protect that in-person meeting where citizens can confront their elected officials. So, the report before us does excuse subordinate committees, subcommittees, from having to create their own new remote policy in addition to perhaps the select board or whomever is their supervising committee. It also eliminates the current law's requirement that they provide an in-person meeting place at all times if other members of the board, certain members, one or more members of the board, choose to participate remotely and allow the public to participate remotely together. In other words, a hybrid. We got rid of that requirement that an in-person meeting place be made available so that sometimes a fully-remote meeting is indeed in order, as long as the Maine public also has access to that fully remote meeting.

So, where do I disagree with this report? This report repeals Section 403, I believe it is, part 2B of current law, which states that after, excuse me, the policy adopted must provide that members of the Body are expected to be physically present for public proceedings except when being physically present is not practicable. And we do not, in the law

restrict what not practicable is. We do suggest that that does include existence of an emergency or an urgent issue, we do suggest that illness or other physical condition or even temporary absence from the area is certainly a justifiable reason. We do suggest that if the body has statewide membership then that's a good reason to have an exception so that you can have remote participation. And we also mentioned geographic characteristics that impede or slow travel. So, those are suggestions. The wording in State law is reasons for justifying remote participation may include. So, the Majority Report which is before us strikes that language from current law. The AG has said that that I just wrote to you is permissive, not restrictive. May include and after each of those there's an and are all reasons why the possibilities are therefore infinite, the law does not say must include with or after each paragraph. So, it is not finite. The four examples in the law are expressed and give them some clout but, folks, the law also says where the entire body or a single person may not be able to participate. You know, if a person has a child care emergency, certainly, they may want to participate remotely and there's no reason why that can't be accommodated. The reason that I take this time with you this morning and I apologize for time but this is a multi-year concern that we've had to try to get this right for Maine citizens. Should Maine citizens have the right and expectation to at some point in the future be able to attend a meeting where they can listen to public servants and be heard by public servants at an in-person meeting? To allow the possibility, as this report does, for the Maine citizen public official relationship to be ongoing permanently, as far as the law is concerned, as long as the board decides that that's the way to go, to be permanently reduced to an electronic screen does not in my mind satisfy all citizens' right, whether they have a computer or not, to petition their government.

So, folks, I will be voting against the motion before us, not because it's not well intended, but because it strikes the part of current law that gives the citizen the right to go to their local board and say you know, if things are perfect, we should be scheduling an in-person meeting at some point so that I have an opportunity to meet you, to express my concerns to you and to have a responsive government. And what the report before us does is to repeal the expectation that members of the body are to be physically present unless a policy has been adopted to accommodate certain circumstances. As an advocate of remote participation, I urge you to vote against the motion before us. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair would remind Members to address their comments through the Chair. The Chair recognizes the Representative from Gardiner, Representative Harnett.

Representative **HARNETT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion. In the 129th Legislature, we responded to a pandemic the likes of which we had never seen in the last century. Wisely, as the Representative from Kennebunk pointed out, the Legislature amended Maine's Freedom of Access Act to allow municipalities and other governmental entities to conduct remote meetings remotely using modern technology. They were only able to do so if they adopted a

policy. And I heard from many municipalities, including those in my district, that this has positive effects on public participation. More people were able to attend meetings because they could do so from the comfort of their home, without risking their health or having to leave their family in the evening. We also heard from municipalities that it increased the number of community members who volunteered to serve on boards, commissions and other municipal entities because they had some flexibility in how they could attend those meetings. But we also heard that the current law still presents challenges. The current Statute, as pointed out by the Representative, limits remote participation by a board or council member who is unable to physically attend to instances where that physical presence is not practicable due to illness, geography, statewide membership, etcetera. But the current Statute does it in a very prescriptive fashion, listing four times that that can happen. The Good Representative from Kennebunk pointed out that the Attorney General's office has advised that that list is not exclusive and it may include others, but we heard great confusion from municipalities around the State because they saw that as a list.

What I tried to do in LD 1772 is to strike a finer balance by allowing boards and councils to make decisions based on current conditions, including public health and safety, on what constitutes an emergency that requires a fully remote meeting. Maine's municipalities and municipal leaders have used the Statute before us today in a very responsible manner and I believe that they will continue to do so. This bill helps municipalities by doing the following. It amends the law governing remote participation in public meetings, removing the requirement that a meeting policy adopted by the public body must include the expectation that the members of the public be physically present during emergency. Rather, it allows the public body to limit public attendance at a proceeding solely to remote methods when there is an emergency or urgent situation that requires the public meeting to be held remotely. There is still great protection in that amendment. It still requires an emergency or an urgent matter before remote participation can be allowed. And, as the Good Representative pointed out, the bill also allows that a policy adopted by a municipality can apply to all entities within that municipality unless that entity on their own chooses to adopt its own remote participation policies. So, for that reason, I ask the House to support the pending motion. Thank you.

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

**ROLL CALL NO. 550**

YEA - Bell, Berry, Blume, Boyle, Brennan, Bryant, Caiazzo, Cardone, Carlow, Cebra, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, LaRochelle, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Moriarty, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roche, Roeder, Sachs, Salisbury, Sheehan, Stover, Supica, Sylvester, Madam Speaker, Tepler,

Terry, Tucker, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Alley, Andrews, Arata, Arford, Austin, Babbidge, Bickford, Blier, Bradstreet, Carmichael, Collamore, Connor, Corey, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Foster, Greenwood, Griffin, Hall, Hanley, Harrington, Hutchins, Javner, Kinney, Lemelin, Libby, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Pickett, Poirier, Prescott, Quint, Rudnicki, Sampson, Stanley, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Bernard, Brooks, Costain, Gifford, Grignon, Haggan, Head, Lyford, Morales, Sharpe, Skolfield, Stearns.

Yes, 80; No, 55; Absent, 12; Vacant, 4; Excused, 0.

80 having voted in the affirmative and 55 voted in the negative, 4 vacancies with 12 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-987)** 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-987)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-989)** on Bill "An Act To Facilitate Communication between Prosecutors and Unrepresented Defendants While Protecting the Rights of Those Defendants" (H.P. 1412) (L.D. 1905)

Signed:

Senators:

CARNEY of Cumberland  
KEIM of Oxford  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
HAGGAN of Hampden  
LIBBY of Auburn  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:

Representatives:

BABBIDGE of Kennebunk  
EVANGELOS of Friendship  
POIRIER of Skowhegan  
THORNE of Carmel

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-989)** Report.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-989)** 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-989)** and sent for concurrence.

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**ENACTORS**

**Emergency Measure**

An Act To Allow the Assessor of the Cyr Plantation Board of Assessors To Facilitate the Election of Vacant Assessor Seats

(S.P. 747) (L.D. 2037)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Acts**

An Act To Create a Logging Dispute Resolution Board and To Require Proof of Ownership Documents To Be Available within 14 Days of Request

(S.P. 568) (L.D. 1724)

(C. "A" S-527)

An Act Regarding Access to Telehealth Behavioral Health Services during Public Health Emergencies

(H.P. 1309) (L.D. 1758)

(H. "A" H-949)

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

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**Resolves**

Resolve, To Implement Certain Recommendations of the Committee To Study the Feasibility of Creating Basic Income Security

(H.P. 1484) (L.D. 1997)

(H. "A" H-951 to C. "A" H-877)

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

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

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

**UNFINISHED BUSINESS**

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

An Act To Allow the Annexation of Certain Lands by Columbia Falls (MANDATE)

(S.P. 725) (L.D. 2011)

(C. "A" S-465)

TABLED - March 31, 2022 (Till Later Today) by Representative DUNPHY of Old Town.

PENDING - **PASSAGE TO BE ENACTED**.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 5 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-982)** - Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Create the Maine Generation Authority"

(H.P. 1218) (L.D. 1634)

TABLED - April 11, 2022 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

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 **SPEAKER**: The Chair recognizes the Representative from Hiram, Representative Wadsworth.

Representative **WADSWORTH**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a huge bill with far-reaching implications. The State would finance and own electrical generation projects. In the PUC's testimony, Chairman Phil Bartlett states under this act the authority's board would determine its revenue requirements, debt payments and operating expenses and the commission would be required to authorize a surcharge on the bills of all electricity customers in the State to pay for the authority's expenses. Maine's electricity ratepayers would pay for the authority's operations regardless of the prudence of its decision-making and future wholesale market prices. Depending on the costs of the projects and the market prices, the authority could create value for the ratepayers or the authority could create significant costs for the ratepayers. What is clear is that the State's ratepayers would bear all the risks of the authority's decision-making and operations. In the same testimony, the PUC chairman goes on; this bill could

lead to less competition from renewable resource developers for projects in Maine, potentially increasing overall costs. Mr. Speaker, the inflation numbers are out this morning and they're pretty grim. They show the fastest annual increase in 40 years. That's the year over year numbers. Now is not the time that Mainers bear all risks for renewable generation development. I would also ask the Clerk read the Committee Report.

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 Dexter, Representative Foster.

Representative **FOSTER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As was previously mentioned, this is a huge bill. This bill was brought forward as a draft measure on June 8th of 2021, it was carried over to this session of the Legislature. The very end of this session and I should mention I've brought this up with a couple other bills, the Energy, Utilities and Technology committee finished our business on March 17th except for an emergency bill that was brought forward on Friday, the 18th. But our normal work was finished then. This bill was brought forward in a work session and voted out on March 15th with very little discussion, no public hearing on the new language and only discussion amongst the committee members and those that happened to attend the work session. As was previously pointed out, there's a lot of concern with the Public Utilities Commission on what this bill can cost. I'd like to read the fiscal note that accompanies the bill. This bill creates the Maine Generation Authority, MGA, as an instrumentality of the State that is authorized to issue revenue bonds up to an amount not to exceed \$1,500,000,000. That's \$1.5 billion in principal outstanding at any one time to facilitate the financing and ownership of energy generation projects and energy storage systems located in the State. The revenue bonds will be backed by electric ratepayers through the sale of the output of projects and relevant wholesale markets administered by New England independent operator, ISO New England. The bonds do not constitute a debt of the State and are payable solely from the operating revenue of the MGA. It is important to clarify that this fiscal note does not attempt to quantify or include the costs to the MGA to issue these bonds or the potential cost to ratepayers to finance them. And I would also say, Mr. Speaker, that it does not address the issue that the ratepayers would be left holding the debt should any of those requesting the bonds and building a project fail due to insolvency.

The fiscal note goes on to read the bill also allows the MGA to borrow up to \$1 million for three years at 3% from the Efficiency Maine Trust to fund startup costs. The MGA will contract with the Efficiency Maine Trust to sell the energy produced. The EMT has sufficient resources to provide the loan and accommodate the contractual obligations with the MGA. At this time, Mr. Speaker, I think it's important for us to remember that the Efficiency Maine Trust is funded primarily by ratepayers. The MGA is exempt from sales and income taxes and, to the extent that future electricity sales by taxable utilities are reduced, there will be a reduction in general fund

and local government fund revenue. MGA is also exempt from property taxes but must make payments in lieu of property taxes equal to any loss of property tax revenue. Again, Mr. Speaker, monies that the State of Maine ratepayers and taxpayers will have to make up should this bill pass. Finally, this fiscal note states that any additional cost to various departments and agencies from the other provisions in this bill are expected to be minor and can be absorbed within existing budgeted resources. That final statement does not justify how large this bill is and what the risk is to Maine ratepayers and taxpayers. I will be voting no against the pending motion and I ask that those concerned about the current rates for electricity and the fact that the State of Maine in one poll was just found to be the third-highest tax State in the nation, that you would follow my light. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Ellsworth, Representative Grohoski.

Representative **GROHOSKI**: Thank you, Mr. Speaker and Members of the House. As you well know, the State of Maine has set ambitious goals to respond and adapt to the global climate crisis. To make meaningful progress toward our goals, we must electrify transportation, heating and cooling and then match the growing demand for electricity with renewable generation. We know where we're headed and that is away from imported, pay-as-you-go fossil fuels and toward the fixed up-front costs of local renewables. In this transition, cost matters. Not just because no one wants to pay more for energy and high costs stifle our economy, but because if we cannot transition affordably, we will not transition. A few years ago, one of Maine's leading energy economists, Dr. Richard Silkman, set out to answer a pressing question; is there an affordable pathway for Maine to reach a zero-carbon economy by 2050? Now, you or I could hazard a yes and hope we are right, but Dr. Silkman actually put pencil to paper, made logical and evidence-based assumptions that anyone here is encouraged to test and improve upon and showed us that yes, indeed, it can be done. Honestly, when I read Dr. Silkman's report, I felt some relief. Finally, an actual economic framework outlining the renewable energy types and amount of storage we need to build and when. The main finding of his work is that this clean energy transition will only be affordable if we utilize lower-cost capital going forward. Enter the Maine Generation Authority as proposed by the pending legislation. The stated purpose of the authority is to reduce the cost to Maine ratepayers of meeting the State's climate and energy goals by facilitating the decarbonization of electricity through the financing and ownership of renewable generation and storage.

The Maine Generation Authority is the sole proposal in front of this Legislature that will ensure that we transition to renewable energy generation and storage without costing Maine people and businesses more than they are currently paying for energy today. That is why this bill is supported by a broad range of groups from the Industrial Energy Consumers Group to the Solar Energy Association of Maine to Maine Youth for Climate Justice, to name just a few. The Maine Generation Authority governance, administration, powers, obligations, property rates and bond issuance authority are directly modeled after our very successful Maine Turnpike



Authority. This Maine Generation Authority is designed to issue low-cost revenue bonds to finance new renewable generation and storage projects in order to meet our growing demand for electricity. The private sector will continue to compete and they will contract with the Maine Generation Authority to build, operate and maintain this infrastructure. Our Maine-based installers will keep employing and training Maine people to build renewables but they can look to the generation authority for financing rather than private capital. All Maine ratepayers will benefit when we build billions of dollars of infrastructure with money borrowed at 3% rather than 8-10%. In fact, switching the source of capital will save us tens of billions of dollars over the coming decades. There are no major clean energy projects built in Maine that are not already guaranteed by long-term contracts, through Maine ratepayers or ratepayers in other states. Since we are all already on the hook for the costs of these projects, we should do our best to ensure they are built as affordably as possible. When I bought my house, I chose the lender with the lowest interest rate because I want to be able to afford my home and have some extra spending money. For those same reasons, I ask you to support the pending motion on behalf of Maine ratepayers. This bill is our ticket to an affordable clean energy economy that leaves money in the pockets of the people we serve. Thank you.

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

Representative **HUTCHINS**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This motion that's on the floor that I'm opposed to is the equivalent of saying I'm here from the government and I want to help. Run. Because this is a false promise. Don't believe it. Thank you.

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

Representative **UNDERWOOD**: Thank you, Mr. Speaker. I agree with Representative Hutchins. We're here from the government and we're here to help; it's a false promise. The other false promise that was mentioned also prior to this was a climate crisis. There's nothing that mother nature and our forest can't handle as far as the climate goes. They've done it since the beginning of time and they will do it until the end of time, whenever that is. And the other thing is is beware, Maine taxpayer, your bill is going up if this passes. Thank you.

The SPEAKER: The Chair would remind Members to refer to other Members by the town in which they are from. The Chair recognizes the Representative from Dexter, Representative Foster.

Representative **FOSTER**: Thank you, Mr. Speaker. I apologize for rising a second time and thank you for allowing me to do so. It warms my heart to hear from the Good Representative from Ellsworth that the main basis for this bill is concern for the Maine ratepayers. During my four years here in this Legislature, we have passed bill after bill after bill that has increased the cost to Maine ratepayers. As a matter of fact, Members of this Legislature have had the opportunity to reverse some of those issues and I refer most especially to net energy billing. The PUC in raising their concerns about this bill during this, the last few weeks of committee hearings in EUT, also raised concerns about the effects that net energy billing

will have on our ratepayers, which they predict will bring about a total of 1,000 megawatts of projects, more than originally expected, that the ratepayers will be subjected to paying approximately \$360 million more a year for, an additional 40% to their current electric bills. With this in mind, I ask again that you follow my light, turn this down and let the PUC and the public advocate's office, as they look at rate structure and where we are going in the future, to do the work that we pay them to do and as they represent not only the Maine ratepayers but the Maine taxpayers. Thank you, Mr. Speaker.

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. 551**

YEA - Arford, Babbidge, Bell, Berry, Blume, Boyle, Brennan, Bryant, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, LaRochelle, Lookner, Madigan, Martin, Mathieson, Matlack, McCreia, McCreight, McDonald, Melaragno, Meyer, Millett, Moriarty, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry, Pluecker, Reckitt, Rielly, Roberts, Roeder, Sachs, Salisbury, Sheehan, Stover, Supica, Sylvester, Madam Speaker, Tepler, Terry, Tucker, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Alley, Andrews, Arata, Austin, Bickford, Blier, Bradstreet, Caiazzo, Carlow, Carmichael, Cebra, Collamore, Connor, Corey, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Greenwood, Griffin, Hall, Hanley, Harrington, Hutchins, Javner, Kinney, Landry, Lemelin, Libby, Lyman, Martin R, Martin T, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Perry, Pickett, Pierce, Poirier, Prescott, Quint, Riseman, Roche, Rudnicki, Sampson, Skolfield, Stanley, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Bernard, Brooks, Costain, Gifford, Grignon, Haggan, Head, Lyford, Morales, Sharpe, Stearns.

Yes, 72; No, 64; Absent, 11; Vacant, 4; Excused, 0.

72 having voted in the affirmative and 64 voted in the negative, 4 vacancies with 11 being absent, and accordingly the Minority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-982)** 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-982)** and sent for concurrence.

**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(H.P. 1225) (L.D. 1654) Bill "An Act To Stabilize State Funding for County Corrections" (EMERGENCY) Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-994)**

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

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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**ENACTORS**

**Emergency Measure**

An Act To Improve the Low-income Home Energy Assistance Program

(H.P. 1492) (L.D. 2006)  
(C. "A" H-900; S. "A" S-530)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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Six Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-984)** on Bill "An Act To Provide Passamaquoddy Tribal Members Access to Clean Drinking Water" (EMERGENCY)

(H.P. 662) (L.D. 906)

Signed:

Senator:

CARNEY of Cumberland

Representatives:

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

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

Signed:

Senator:

KEIM of Oxford

Representatives:

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

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-985)** on same Bill.

Signed:

Senator:

SANBORN of Cumberland

Representative:

MORIARTY of Cumberland

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-984)**.

**READ.**

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

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

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

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

Representative **LIBBY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I find myself in the unique position of being in agreement with the Chief Executive that a significant issue with this bill is that a jurisdictional change will not advance the effort to solve the water quality problem that we're facing here. This is not a case of lax or incompetent regulators, it's an engineering challenge presented by the current water source. It is not clear whether the tribe could be approved for primacy to administer the Safe Drinking Water Act and regulate a part of an integrated water district that also serves nearby towns. We did not clarify that question adequately in committee with the Attorney General. Also at issue is that this bill does not follow good due process. This would set a precedent that we've never seen before in our State. We've never in our State changed the water charter because a customer asked for it but only because the trustees and the board have asked for it. In this case, the customer never went to the trustees and went through that process. This bill also skips due process in relation to putting land into trust. This bill bypasses the current process set out in the Implementation Act for Land Acquisition and I ask you to follow my light and not set this precedent. Vote against the pending motion.

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

Representative **EVANGELOS**: Thank you, Mr. Speaker. I rise in support of the pending motion. The Judiciary Committee spent an extraordinary amount of time on this bill. We heard massive testimony. But, seriously, some of the main objections regarding this bill was 55 acres owned by the Passamaquoddy Nation, where they simply want to drill a well, like the rest of us do on our land. We're talking about 55 acres. And in order for our State to solve the Native American federal inherent sovereignty issue, yes, it's going to take some sacrifices. Fifty-five acres? The State of Maine stole 15 million acres from the Wabanaki nations, Maine public, to attain statehood 200 years ago, Maine laid claim to tribal land. The

very small amount of money that this is going to cost the towns of Eastport and Perry is less than the property tax assessment overlay on the tax assessment sheet for each town. We're talking very, very small amounts of money. For those of you that don't know, when the assessors commit taxes, there's a fudge factor in it, it's called the overlay. It's generally between one and three percent of the total town commitment. This amount of small financial loss to these two communities is less than that overlay. In other words, it doesn't really cost them anything. And as a result of these lands in the future possibly becoming trust lands, the nation will make a payment to Washington County in lieu of the loss of the taxation. I also want the Members of the House to know that there was a remediation effort made with collaboration of the State at one point and a few wells in Perry were affected. That was made right. And, in testimony of the Judiciary Committee, the State person who was in charge of that told us that the ordinance passed by the Town of Perry prohibiting the extraction of water in Perry by the Tribal Nation, the Passamaquoddy Nation, came as a direct result of that.

Now, I want any of you who live in a rural area, you've probably experienced what I experienced recently, when your well goes bad, when the sediments come in, your static level in your well gets low in the summer and you have dirty water. You can't wash your clothes, you can't take a shower. And this has been normalized for the Passamaquoddy Nation. None of us would put up with it. I mean, my wife didn't put up with it. We dramatically tried to find a solution when this happened to me. The solution was we had to wait seven days for the sediment to clear and the static level to go up on my well. So, we did what the Passamaquoddy Nation does every day during the hot days of summer when the pond that supplies the water system gets low; we just waited it out until it got better. That's not a solution. They have to buy water, they can't wash their clothes at home. So, this is a serious human rights issue and a right of self-determination. There isn't one person in this room that would put up with the condition --

The SPEAKER: The Member will defer. The Chair would remind the Member to not presume the beliefs or actions of other Members. The Member may proceed.

Representative **EVANGELOS**: My wife didn't put up with it for a minute, Mr. Speaker.

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

Representative **EVANGELOS**: And your point is well taken. But, in closing, in our 200-year history, we're the only State in the union that has this relationship with our tribal nations and we have to fix this. It can't go on. And in this case, a small bit of self-determination will allow people to drill a well to provide their people clean water. So, I'm urging my colleagues to support this. Thank you, Mr. Speaker.

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

Representative **POIRIER**: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, no one disputes that everyone needs and deserves clean drinking water. The question is what has to be done to make it happen. Approximately eight years ago, the Tribe conducted water feasibility studies on the land in question. A million gallons

was extracted in the course of 10 days. The extraction resulted in several wells, some miles away, drying up. Abutting landowners in the town of Perry were not informed of the extraction taking place prior to the well issues. One resident testified that her family spent hundreds of dollars trying to resolve the issues in their well and they were ultimately informed by a drilling company of the tests being performed. Testing was stopped once the town of Perry was notified of the issues with the wells. Though it took time, the federal government did pay to restore these wells. Soon after, the Town of Perry voted in favor of an extraction ordinance and the ordinance was placed to preserve natural resources and it does allow large-scale extraction with a permit, which has never been applied for since the ordinance was put in place.

Placing these lands in trust will circumvent the extraction ordinance and the question is who will address the dry wells when it happens again. Through testimony, we listened to much about the current water quality on tribal lands. Before voting on this bill, it's very important to understand how the Passamaquoddy Water District works. The water source is located in Perry. It is piped from Perry down to Eastport. The tribe accesses water through meters on the main piping system. Once the water exits the meters, it enters to pipes on the tribal lands. These pipes are not part of the Passamaquoddy Water District. The tribe holds full responsibility for maintenance of the system's piping. Through work session, it was discovered that the tribal water system does not have runoff or bleeder valves like that in Eastport. Without this, water stays stagnant in the pipes. It's also questioned if the piping is the correct size for the volume of water going through the territory. This is important because the same water flows down through the lines to Eastport, where they do not experience the same level of concern in water quality. Eastport has upgraded their piping system and does have the runoff lines. For the past several years, the water district's tests have met State standards. Even so, several entities are trying to address the Passamaquoddy's concerns with water quality. U.S. Public Health, Maine Drinking Water Program and Wabanaki Public Health have invested over a million dollars to install a carbon treatment system that will remove organic compounds and this system is expected to be up and running this summer. We must look at the issue logically. Is this really an issue of water source or infrastructure? This bill is seeking a solution without knowing the cause of the water quality issues in all certainty. Mr. Speaker, we should be letting the new carbon filtration system do its job and we should be looking at ways to assist in the evaluation of piping systems and potential quality infrastructure, maintenance and improvements before we pass a bill that can have major impacts on neighboring communities. So, I ask you to join me and oppose the current motion. Thank you.

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

Representative **SYLVESTER**: Thank you, Mr. Speaker and thank you, my Good Friends of the House. LD 906 is a very personal bill to me. The right to water, the right to clean water, it's an issue that I ran on, it's an issue that was my very first bill before this Body. And running that bill, I learned an

enormous amount about the tremendous quantities of our aquifers, about our water tables, about our State geologists, about our water districts and about the complicated relationship of the municipality of Pleasant Point and their water. Why is this such a personal issue? Because clean water is the reason that I am in this august Body at all. In 1994, my wife and I met and fell in love knocking the doors of workers in Flint, Michigan. In those days, the auto factories were closing and folks were having a hard time. We sat in peoples' living rooms, we listened to their hopes, we listened to their dreams, we listened to their frustrations. And my main job, fresh out of college, was to play with the kids on the floor while my genius wife talked to the parents. In 2015, we found that the people of Flint and the water that they drank was poisoned with unimaginable levels of lead and the State of Michigan had known about it and they'd done nothing. At that point, I did the math and I realized that the kids that I had been playing with on the floor were now the parents who were ill from that lead, were the parents of the children who were coming out with birth defects and who were coming down with learning disabilities. And so, I ran for this seat so that no Maine parent would ever have to know that.

The bill in front of us is about the rights that we as Mainers take for granted. The right to turn your spigot and have clean water come out of it. The right to have water you can cook with, the right to have water that you can bathe with. We have that right. In Maine, every citizen who owns land owns the water underneath it. Every municipality can decide what to do about their own water without having to ask permission from any other municipality. Every other municipality in Maine except for Pleasant Point and the people of the Passamaquoddy Nation. Yes, this is a bill, technically, about Pleasant Point having clean water, having clean water for its citizens. It's about them being able to use the well they dug to bring water into their own schools so their kids don't have to drink bottled water, so the community doesn't have to bring large containers of water to their elders. It is about those people not having to pay a tax that no other municipality in the State has to pay for its own water. This bill is about all these things. But, for me, Mr. Speaker, this bill is about self-determination that every Mainer, every municipality, every child and person of this State has, but the people of the Passamaquoddy Nation in Pleasant Point do not. And I would say this, Mr. Speaker, if the tribes were their own sovereign nation like every other federal tribal nation, they wouldn't have to ask for anybody's permission. But the people of Maine have chosen to tie the people of the Passamaquoddy Nation to Maine and they deserve the same exact rights as every other Mainer to turn the spigot, to own the water under their land and to not have to pay for that privilege. And that is why, Mr. Speaker, I ask the people of this chamber to do the right thing, to look past the technicalities and to say to the people of the Passamaquoddy Nation you are not less than every other Mainer. We value you and we want you to have your own self-determination. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: Thank you, Mr. Speaker. Mr. Speaker, the members on the Minority Report are some of the most intelligent people that I know and I have the utmost respect for their opinions. I am convinced that they have very good reasons for their positions today. I've heard that this bill leapfrogs the process, the process on trusts and water extraction from the Town of Perry. The question I would ask is how sad is it that they have to. The reservation has been dealing with unsafe, undrinkable water for decades. Now they have the wells on land of their own, they want to bring it to their own water district for their own use. But now I hear that all of a sudden, this bill is here. Mr. Speaker, this bill has been decades in the making. I often hear arguments on other bills that I've heard again today; this bill isn't ready, this bill bypasses the process, this bill sets precedent. And I hear when those arguments are brought up that the default vote is supposed to be a no vote. But when this bill brings clean water to people who need it, from their own land, from their own wells, my default vote today will be yes.

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

Representative **ZAGER**: Thank you, Mr. Speaker. I rise in support of the pending motion regarding LD 906 because I believe it is important step towards health and fairness. Despite honest effort by the Maine Department of Health and Human Services, the Passamaquoddy still do not have ready and reliable access to safe, clean drinking water. And we are of course all aware that water is fundamental to life from a biological perspective. To the Passamaquoddy Tribe and others, water is indeed sacred. And yet for four decades or more the State of Maine has forced the Passamaquoddy Tribe to be second-class with regard to drinking and bathing water. After the 1980 Indian Land Claim Settlement Act federal legislation was enacted, the 109th Maine Legislature in the spring of 1980 passed LD 2037. Section 6204 of Chapter 732 of that says that all Indians, Indian nations and tribes and any land or other resources, including water rights, owned by them shall be subject to the laws of the State. In other words, Mr. Speaker, the Passamaquoddy Tribe has hitherto been unable to utilize the very federal funds and water remediation resources that are available to every other federally-recognized tribe, as has just been pointed out. That is simply not fair, to my mind. Instead, this second-class status requires the Passamaquoddy Water District to have its water sovereignty unrecognized. That's not fair. The second-class status imposes a tax burden on the Passamaquoddy Water District, unlike any other water district in the State. That is not fair.

The Passamaquoddy Water District has had to treat the water from Naziak or Boyden's Lake or pond with chlorine to such an extent that it reacts with naturally occurring methane to create chloroform, the most common of the trihalomethanes. Chloroform is used as a solvent in lacquers, floor polishes, adhesives and rubber. It can harm the eyes, skin, liver, kidneys and the nervous system. And it's been linked to cancer. What does this chemistry mean for the health of the people of Sipayik? The health context, I'm sorry to say, is that the all-cause mortality ratio for Native Americans compared to the overall population is 1:1.3. What does that mean? That means that for a given period of time, a random indigenous

person's chance of dying is 30% higher than the general population. For the organ systems most implicated in trihalomethanes relevant to this bill, such as the kidneys and the liver systems, the risk of death is 50-360% higher. That certainly is not fair. We have the opportunity now to do something meaningful to at least partly address that unfairness. LD 906 would recognize the Passamaquoddy Tribe's water sovereignty and thus would be an important step towards both health and justice. Thank you, Mr. Speaker.

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

Representative **BABBIDGE**: Thank you, Mr. Speaker. Mr. Speaker, Esteemed Members of the House, the committee on judiciary reported out three bills on this issue. Two of them take important steps forward. I stand in support of the motion before us. The Passamaquoddy tribal people in Sipayik or Pleasant Point deserve clean water 12 months out of the year. This bill will do that. I urge your support. Thank you very much, Mr. Speaker.

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

Representative **CLOUTIER**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I rise today in strong support of the pending motion. For decades, the Passamaquoddy tribe at Pleasant Point has suffered from a lack of access to clean drinking water. This problem is so severe that the on-reservation school has a policy of not allowing students to consume municipal water supplied by the Passamaquoddy water district and has taken a variety of measures to ensure the availability of clean water to students and staff. The tribe also delivers bottled water to households to reduce the consumption of unsafe and unsightly drinking water. How, in 2022, in one of the most developed and wealthiest nations in the world, are we allowing this to happen? Approximately three years ago, I listened to Penobscot Chief Barry Dana speak before the State and Local Government committee, urging them to replace Columbus Day with Indigenous Peoples Day. Summarizing a quote by Maya Angelou, when you know better, you do better, he said. Today, we know better. This bill would provide a property tax exemption for PWD to align with all other water districts across the State; all other water districts across the State. It would also provide additional revenue to address water quality issues. Further, the bill authorizes the Passamaquoddy Tribe to access protections under federal law currently available to every other federally recognized tribe in the United States. Our State's limited recognition of tribal sovereignty, combined with the lack of funds to fix inadequate public infrastructure in low-income rural areas has made it impossible to rectify this critical public health and safety issue. It is time to do better by providing long overdue and necessary resources and recognizing the rights of the Passamaquoddy Tribe. Thank you.

The SPEAKER: The Chair recognizes the Representative from Greene, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker and my Fellow House Members. We have debated this for a little while now and I'm sure we will for a lot longer, beyond today. You know, this bill definitely boils down to a vote for clean

water, no pun intended. I have been trucking water for most of the duration during COVID from a lot of our partnerships in the business community that donated water to bring to all the communities because during the COVID crisis, everybody was home, water use is more prevalent, we needed a lot of water. So, I've seen it firsthand and, you know, the long and the short of it with this bill is, I'm sorry, Mr. Speaker, it's a vote for clean water. This is a vote for clean water and the ability for the Passamaquoddy Tribe to help in this process. That's all they're asking for is to be part of this process. So, thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Reckitt.

Representative **RECKITT**: Thank you, Mr. Speaker. I was sitting here because I had not intended to speak today on this issue but I found myself in the same position I was during the very lengthy day as a member of the Judiciary committee, listening to the testimony on this bill. And I cannot sit in my seat and not say how critical I think this is that we take this action on behalf of the Passamaquoddy Nation. It is just crazy to me that we have not taken care of this before. I'm not putting a blame on anybody; I was part of some of those legislatures. But today I think we have the opportunity to do what is, I believe, not the same. Because today we can do what is ethically right, we can do what is morally good, we can take care of this issue for a large number of people who are residents of this State, who live and deal and have been dealing with this issue for way too long. Please, I've never said follow my light in this whole time that I've been listening to other people say it, but today, please, follow my light and vote in favor of this bill. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative O'Connell.

Representative **O'CONNELL**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As a veteran, I can't count how many countries I've been to where you cannot drink the water. Everything was out of a bottled water. I can't comprehend the fact that somewhere in the United States, in the State of Maine, somebody can't drink the tap water. It's just I can't fathom it; I can't wrap my head around it. This is a commonsense bill. They have a right to clean water. Thank you, Mr. Speaker.

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

Representative **MARTIN**: Thank you, Mr. Speaker, Members of the House. I suspect I'm the only person in the Legislature at the moment who was here during the issue when we worked with the Passamaquoddy Tribe and the Penobscot Nation and others to reach a settlement. This issue was not discussed but if it had been, it would've been agreed to, without any question. And so, I urge Members of the House to vote for this bill.

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

Representative **HARNETT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion. Access to clean, safe drinking water is a basic human right. I believe that everyone in this chamber today agrees with that. It was just last week when we were

debating another motion regarding the environment where I heard Members of this Body, regardless of their political affiliation, standing up speaking for clean water. But for decades, members of the Passamaquoddy Tribe in Sipayik have been deprived of this basic human right. Water used for drinking and bathing has historically been tainted by bad odor, poor taste and discoloration. In the summer months, when the lake that provides the water is low, the water often appears greenish-brown and on particularly bad days, brownish-black. Imagine turning your faucet on in the morning when you make coffee to have brownish-black water coming out of that tap. At times of the year there is so much fecal matter in the water that the water district has to resort to heavy chlorination. You heard from the Good Representative from Portland about the effect of the carcinogens in this water, the trihalomethanes and the adverse impact they can have on one's physical and emotional health. Historically, water levels in this area have tested at elevated levels for a known carcinogen. For decades, tribal members have known that the water that they receive is not safe to drink. Until recently, at the elementary school in Sipayik, students were told not to drink from the water fountain, not to drink from the water fountain in their school. The tribe tried to remedy this problem, there was conflicts over jurisdiction, but eventually they were able to provide clean drinking water to the students in the school. But when those students go home, they cannot drink that water for all of the reasons that you heard today. They cannot drink the water in their own home.

And let me make one thing clear. We heard from hundreds of people on this bill and they were not just members of the Passamaquoddy Tribe and they were not just residents of Sipayik. We heard from residents of Eastport who receive the same water, expressing the same problems and the same concerns. This is, again, a basic human right, as you have heard over and over again. And what Report A does, it does four things. Essentially, the intent of the report is to improve access to safe drinking water. How controversial is that? To improve access to safe drinking water. And it does so in four ways. The amendment exempts the property of the Passamaquoddy Water District, the nontribal entity, from taxation by the municipal government of Perry. As was pointed out by the Representative from Lewiston and others, this is the only water district in the State of Maine, the only water district that pays property taxes. How ironic is it that the water district that serves our native population is the only one taxed in this way? Secondly, it authorizes that two parcels of land bought and paid for by the Passamaquoddy Nation can be turned into trust land through the federal process, which is allowed under the Maine Implementing Act, without municipal approval. Third, this provides that the United States Environmental Protection Agency and not the State has the regulatory authority over the water being supplied to the residents of Sipayik. The same way that water is regulated in every other State in this country for every other tribal nation in this country, but not in Maine. And, lastly, if the Passamaquoddy Tribe chooses to do so, it may seek authority from the United States Environmental Protection Agency to regulate their drinking water, their standards, at a level no less than required in the State of Maine. This is a simple bill that we need not

overcomplicate. The residents of Sipayik have the absolute right to safe, clean drinking water. Enacting this legislation will make that a possibility. Thank you.

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

Representative **PERRY**: Thank you, Mr. Speaker. I get up because I represent two constituencies; the Passamaquoddy Tribe and the Town of Perry. So, I got to hear a lot on both sides. I also worked with the ad hoc committee working with the Maine Indian Tribal Settlement. We are talking about a community that supposedly with the settlement is supposed to be treated like a municipality, like any municipality. But what I heard from the Town of Perry and from the tribe is that Perry has say over what the tribal community does. One municipality does not do that with another. If they were a true municipality, we would not have this issue coming forward before us. It was a difficult position for me because I'm looking at two constituencies. But I can do nothing else right now but vote for this bill because this is the right that these people should have because they are a tribal nation and should be sovereign. Thank you.

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

Representative **NEWELL**: Thank you, Mr. Speaker and Honorable Members of the House, please accept my words, please accept them in a good way. It is certainly my hope that you would agree to having access to clean, clear, odorless drinking water is a basic human need and is vital to healthy living and survival. Therefore, I would hope that having access to clean, safe drinking water is, indeed, a basic human right. Mr. Speaker, I stand to bring forth notice of a public health concern of the Passamaquoddy tribal citizens of Sipayik. A rightful concern relating to the inconsistent quality of drinking water delivered to and received by the community of Sipayik. This has been an issue for decades. Mr. Speaker and Members of the House, as the seasons change, so does the drinking water quality at Sipayik. As we all welcome the spring season, an annual time of renewal, when mother nature reawakens, the Passamaquoddy tribe of Sipayik will more than likely begin its annual observations and experiences in receiving discolored drinking water, often tainted by bad odor and is poor-tasting throughout fall. Mr. Speaker and Members of this House, I further highlight to you, to this legislative Body and to this administration that drinking water quality testing results has shown to have been reported to show high levels of carcinogens known as trihalomethanes. As previously stated and it is tremendous concern of myself and my community, Mr. Speaker, that trihalomethanes can cause cancer after prolonged or concentrated exposure. Simply put, Mr. Speaker, discolored drinking water, often tainted by bad odor and is potentially cancer-causing is unacceptable. Since 2019, I have been involved and participated in internal tribal and multistakeholder meetings. While these discussions led by the Passamaquoddy Tribe have been productive, we have not seen any changes improving the quality of water delivered to my community. We will continue to speak of our concerns. We will continue to seek to work with others to remediate the drinking water quality that does not promote a healthy way of living for the tribal citizens of Sipayik. Therefore, I respectfully

ask this Body to vote in great favor to the passage of LD 906 which, as previously indicated, has three primary components. Passage will amend the charter of the Passamaquoddy Water District a nontribal entity. So, to exempt the property from taxation by municipal governments to provide additional financial support to the state-regulated water district that serves Pleasant Point and the City of Eastport for critical upgrades and maintenance.

Mr. Speaker, in 1929, legislation created the Eastport Water Company. In 1983, legislation amended its charter, creating the Passamaquoddy Water District and became the only water district in Maine that pays property taxes. It is my understanding, Mr. Speaker, that the Passamaquoddy Tribe put forth the resources to purchase said district and since then has been paying in excess of over \$100,000 annually to receive this inconsistent quality of water. In addition to putting additional resources forth to support the district in its upgrades and critical, critical maintenance issues that exist today. Secondly, passage will amend the Maine Implementing Act to add the Passamaquoddy Indian Territory two parcels of tribally-owned land where there's known to be available groundwater, which are in close proximity to the existing Passamaquoddy territory through the federal trust acquisition process. Yes, Mr. Speaker, without local approval. Mr. Speaker, as you have just been asked and I will ask once again, is there any municipal government within the State of Maine that must receive local approval in order to exercise decision-making authority for the benefit of their constituents? Mr. Speaker, it is my observation that language reflected in the MIA concerning consent from nearby municipalities located near Passamaquoddy territory is restrictive and limits our relationships with our neighbors. Despite these limitations, we remain mindful and considerate of our neighboring municipal governments. Lastly, this bill will amend the Maine Implementing Act to allow the tribe to work alongside the Environmental Protection Agency to regulate drinking water within tribal territory in a manner similar to how water is regulated on tribal lands elsewhere in the United States to the extent permitted under federal law. As it stands today, this State regulates all drinking water delivered to or located on tribal lands. This includes the current supply. Lastly, Mr. Speaker and Honorable Members, on behalf of the Passamaquoddy tribal citizens of Sipayik, I humbly stand before each of you to ask of your consideration to provide the Passamaquoddy tribal citizens of Sipayik access to clean drinking water. *Woliwon.*

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

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

The SPEAKER: The Member may proceed.

Representative **DILLINGHAM**: Would anybody in the Body be able to tell me the difference between Report "A" and Report "C", both Ought to Pass, on the same bill?

The SPEAKER: The Representative from Oxford, Representative Dillingham, has posed a question through the Chair to anyone who wishes to answer it. The Chair recognizes the Representative from Gardiner, Representative Harnett.

Representative **HARNETT**: Thank you, Mr. Speaker. In response to the question, I outlined four issues that were covered in the Report "A". Report "B" covers the first two only. It would, one, propose an amendment that would exempt the property of the Passamaquoddy Water District, which is on the nontribal entity, from taxation by municipal governments. Two, it would also authorize two parcels of tribally-owned fee land in close proximity to the existing Passamaquoddy Indian Territory to be added to the tribe's Indian territory through the federal trust acquisition process without local approval in order to provide access to adequate supplies of drinking water. It does not touch the issue of oversight and jurisdictional issues regarding the Environmental Protection Agency.

The SPEAKER: The Chair would clarify that the Member distinguished between Report "A" and Report "C". The Chair recognizes the Representative from Weld, Representative Skolfield.

Representative **SKOLFIELD**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. While I don't really enjoy the process that we've had to endure today to get to this point, I find it unfortunate that the municipality and the tribe could not come to some understanding. The bottom line for me is the kids need water. The people need water. And when a well was drilled or built back years ago and the high volume of water made it so that three wells were drained, they did that because they were trying to see what the source would be, how much water there would be there. Unfortunately, three wells were affected. They were later mitigated, wells were restored, probably the folks who have those wells have better wells now than they did initially. They were probably marginal wells to begin with. And so, an ordinance was enacted based on that, which I find probably wasn't the best of ideas. So, we should not have to be here today. The municipality and the tribe should've had some understanding. It shouldn't've been brought to this chamber. And I, unfortunately, feel that's sad. But it is here and we need to deal with it and I am in support of the measure and will be voting yes. I think my green button will work this time. It rarely does, but I think I will make it so. Thank you.

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

Representative **THORNE**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition of the pending motion on the floor. I sat on the Judiciary Committee, I listened to a lot of testimony, I listened to a lot of testimony today. However, today I didn't hear anyone say that they were aqua-biologists, I didn't hear anyone tell that they were water engineers, I didn't hear anyone say that they were well drillers or even plumbers. So, I assess that the assertions we heard today were opinions. There is a problem. This bill is not just about water. As you've heard, it's about taxation, it's about land acquisition and it's about water quality. A lot of points need to be made. A test drill scenario was done. That failed. It would not support. Many wells went dry in the area. It would not support the high-capacity withdrawal from the aquifer. There is a solution. This bill is not that solution to clean water. There are problems with the pipes. The fecal matter did not come from the well source, as the Good Representative from Gardiner asserted. The fecal matter came from within the

pipes within the system. If that's in there now, if crystal-clear water poured into those pipes, it would still be in those pipes. There is a solution. This bill is not that solution. I urge to follow my light and vote no on the pending motion. Thank you, Mr. Speaker.

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. 552**

YEA - Alley, Andrews, Arford, Babbidge, Bell, Berry, Blier, Blume, Boyle, Brennan, Bryant, Caiazzo, Cardone, Carlow, Carmichael, Cebra, Cloutier, Collings, Connor, Copeland, Corey, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Downes, Drinkwater, Ducharme, Dunphy, Evangelos, Evans, Faulkingham, Fay, Geiger, Gere, Gramlich, Greenwood, Grohoski, Hall, Harnett, Harrington, Hasenfus, Hepler, Hutchins, Hymanson, Kessler, Landry, LaRoche, Lookner, Madigan, Martin J, Martin R, Martin T, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett H, Millett R, Moriarty, Newman, O'Connell, O'Neil, Osher, Paulhus, Peabworth, Perkins, Perry A, Perry J, Pierce, Pluecker, Prescott, Reckitt, Rielly, Riseman, Roberts, Roche, Roeder, Sachs, Salisbury, Sheehan, Skolfield, Stearns, Stover, Supica, Sylvester, Madam Speaker, Tepler, Terry, Tucker, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Arata, Austin, Bickford, Bradstreet, Collamore, Dillingham, Dolloff, Foster, Gifford, Griffin, Hanley, Javner, Kinney, Lemelin, Libby, Lyman, Mason, Morris, Nadeau, O'Connor, Ordway, Parry, Pickett, Poirier, Quint, Rudnicki, Sampson, Stanley, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Bernard, Brooks, Costain, Grignon, Haggan, Head, Lyford, Morales, Sharpe.

Yes, 103; No, 35; Absent, 9; Vacant, 4; Excused, 0.

103 having voted in the affirmative and 35 voted in the negative, 4 vacancies with 9 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-984)** 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-984)** and sent for concurrence.

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

**CONSENT CALENDAR  
First Day**

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 190) (L.D. 484) Bill "An Act To Change Maine's Tax Laws" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-537)**

(S.P. 270) (L.D. 682) Bill "An Act To Ensure the Viability of the Northern Maine Electric Transmission Grid" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-531)**

(S.P. 61) (L.D. 796) Bill "An Act To Restrict Sales of Catalytic Converters Removed from Motor Vehicles" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-539)**

(S.P. 604) (L.D. 1748) Bill "An Act Regarding the So-called Leveraging Investments so Families Can Thrive Report Produced by the Department of Health and Human Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-533)**

(S.P. 635) (L.D. 1808) Bill "An Act To Address Employee Retention at the Maine State Police Crime Laboratory and the Computer Crimes Unit in the Department of Public Safety" (EMERGENCY) Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-536)**

(S.P. 700) (L.D. 1962) Bill "An Act To Increase Learning Potential by Providing High-impact Tutoring Grants" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-532)**

(S.P. 721) (L.D. 2009) Bill "An Act To Implement the Recommendations of the Working Group To Review the Process for Ongoing Review of Tax Expenditures by the Legislature" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-538)**

(S.P. 733) (L.D. 2022) Bill "An Act To Amend the Judicial Districts and Divisions for York County" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-535)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence.

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

**ENACTORS  
Emergency Measure**

An Act To Address Employee Retention at the Maine State Police Crime Laboratory and the Computer Crimes Unit in the Department of Public Safety

(S.P. 635) (L.D. 1808)  
(C. "A" S-536)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.



**Emergency Measure**

An Act To Update and Clarify the Maine Medical Use of Marijuana Act

(H.P. 1435) (L.D. 1928)  
(C. "A" H-960)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act To Establish That the Provision of Emergency Medical Services by an Ambulance Service Is an Essential Service and To Establish the Blue Ribbon Commission To Study Emergency Medical Services in the State

(H.P. 1474) (L.D. 1988)  
(C. "A" H-956)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

Resolve, Directing the Public Higher Education Systems Coordinating Committee To Convene a Stakeholder Group To Study Equity in and Access to Early College Programs

(H.P. 1390) (L.D. 1880)  
(C. "A" H-972)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

Resolve, Establishing the Committee To Ensure Constitutionally Adequate Contact with Counsel

(H.P. 1451) (L.D. 1946)  
(C. "A" H-975)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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**Acts**

An Act To Facilitate a Grade 9 to 16 School Project  
(H.P. 129) (L.D. 176)  
(C. "A" H-969)

An Act Relating to the Distribution of State Revenue from the Real Estate Transfer Tax  
(S.P. 190) (L.D. 484)  
(C. "A" S-537)

An Act Governing the Sale, Purchase, Removal, Transport and Disposal of Catalytic Converters Removed from Motor Vehicles, Governing Scrap Metal Processors and Creating the Motor Vehicle Services Fund  
(S.P. 61) (L.D. 796)  
(C. "A" S-539)

An Act Relating to the Valuation of Improved Real Property  
(H.P. 807) (L.D. 1129)  
(H. "A" H-934 to C. "A" H-788)

An Act To Establish the Trust for a Healthy Maine  
(H.P. 1127) (L.D. 1523)  
(C. "A" H-945)

An Act To Create the Maine Redevelopment Land Bank Authority  
(H.P. 1259) (L.D. 1694)  
(C. "A" H-957)

An Act To Improve the Temporary Assistance for Needy Families Program and To Improve the So-called Leveraging Investments so Families Can Thrive Report  
(S.P. 604) (L.D. 1748)  
(C. "A" S-533)

An Act To Create a Commercial Halibut Fishing License  
(H.P. 1321) (L.D. 1770)  
(C. "A" H-979)

An Act To Allow the State's Adult Use Marijuana Tracking System To Track Plants and Products by Group  
(H.P. 1350) (L.D. 1817)  
(C. "A" H-966)

An Act To Permit Curbside Pickup and Limited Delivery of Adult Use Marijuana  
(H.P. 1360) (L.D. 1827)  
(C. "A" H-961)

An Act To Provide Funding for the Provision of Services According to the So-called Intensive Care Coordination Using High Fidelity Wraparound Model  
(H.P. 1371) (L.D. 1850)  
(C. "A" H-970)

An Act To Codify MaineCare Rate System Reform  
(H.P. 1377) (L.D. 1867)  
(C. "A" H-968)

An Act To Increase Maine's Veterinary Workforce  
(H.P. 1395) (L.D. 1885)  
(C. "A" H-963)

An Act To Authorize Certain Off-premises Sales of Adult Use Marijuana Products  
(H.P. 1434) (L.D. 1927)  
(C. "A" H-965)

An Act To Promote Equity and Increase Opportunities in the Cannabis Industry by Reducing Restrictions Related to Convictions for Drug Offenses and To Replace the Term "Marijuana" with the Term "Cannabis" in the Maine Revised Statutes  
(H.P. 1457) (L.D. 1957)  
(C. "A" H-980)

An Act To Increase Learning Potential by Providing Innovative Instruction and Tutoring Program Grants  
(S.P. 700) (L.D. 1962)  
(C. "A" S-532)

An Act To Provide Property Tax Relief for Permanently and Totally Disabled Veterans  
(H.P. 1472) (L.D. 1986)  
(C. "A" H-964)

An Act To Implement the Recommendations of the Working Group To Review the Process for Ongoing Review of Tax Expenditures by the Legislature  
(S.P. 721) (L.D. 2009)  
(C. "A" S-538)

An Act To Require the Registration of Adjuvants in the State and To Regulate the Distribution of Pesticides with Perfluoroalkyl and Polyfluoroalkyl Substances  
(H.P. 1501) (L.D. 2019)  
(H. "A" H-950 to C. "A" H-930)

An Act To Amend the Judicial Districts and Divisions for York County  
(S.P. 733) (L.D. 2022)  
(C. "A" S-535)

An Act To Enhance the Prevention of and Response to Sexual Assault and Sexual Harassment in the Maine National Guard  
(H.P. 1511) (L.D. 2029)  
(C. "A" H-974)

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

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#### Resolves

Resolve, To Monitor Northern and Rural Energy  
(S.P. 270) (L.D. 682)  
(C. "A" S-531)

Resolve, To Implement the Crisis Response Services Recommendations Identified Pursuant to Resolve 2021, Chapter 29  
(H.P. 1498) (L.D. 2016)  
(C. "A" H-973)

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

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

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#### SENATE PAPERS

##### Non-Concurrent Matter

Bill "An Act To Update the Comprehensive State Energy Plan To Achieve the State Energy Vision"  
(H.P. 1497) (L.D. 2015)

Report "A" (6) **OUGHT TO PASS AS AMENDED** of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-967)** in the House on April 11, 2022.

Came from the Senate with Report "B" (6) **OUGHT NOT TO PASS** of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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

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#### REPORTS OF COMMITTEE

##### Divided Reports

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-529)** on Bill "An Act To Review Strategies for Improving Utility Rate Affordability and To Provide Utility Relief"  
(S.P. 674) (L.D. 1913)

Signed:

Senators:

STEWART of Aroostook  
VITELLI of Sagadahoc

Representatives:

BERRY of Bowdoinham  
CARLOW of Buxton  
CUDDY of Winterport  
GRIGNON of Athens  
GROHOSKI of Ellsworth  
KESSLER of South Portland  
SACHS of Freeport  
WADSWORTH of Hiram  
ZEIGLER of Montville

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

Signed:

Representative:

FOSTER of Dexter

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-529)**.  
**READ**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-529)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-529)** in concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-534)** on Bill "An Act To Protect the Reproductive Rights and Freedoms of Maine People"

(S.P. 156) (L.D. 811)

Signed:

Senators:

CLAXTON of Androscoggin  
BALDACCI of Penobscot

Representatives:

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

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

Signed:

Senator:

MOORE of Washington

Representatives:

CONNOR of Lewiston  
GRIFFIN of Levant  
JAVNER of Chester  
LEMELIN of Chelsea

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-534)**.

**READ.**

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

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

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

The **SPEAKER**: The Chair recognizes the Representative from Chester, Representative Javner.

Representative **JAVNER**: Thank you, Mr. Speaker, Men and Women of the House. I object to this motion. In Maine, we love life. We embrace life from the very beginning until the very end. Even from our inception in 1820, that has been the very core and essence of our soul. And when I was recuperating and convalescing last summer, last year, from my diagnosis of cancer, I didn't want to be anywhere else except for in the woods of Maine. I kept saying over and over to myself this is where I want to be. This bill is the antithesis of that. It has come through to us from a very convoluted manner. It was sort of like a ninja; it was here, it was there, it was everywhere, you didn't even know what it was saying yet until the day before the public hearing and then the work session right away. There's one thing in the State of Maine that Maine people love to protect; that's our tax dollars and where we spend those tax dollars. I take that responsibility, it's important to me, as I know it is for everyone here. Eighty

percent of the people in the State of Maine, whether or not you're pro-choice or not, pro-life, they don't agree with using our tax dollars for paying for these services.

I will end by saying, this is from the department, it has several high-level flaws, this bill, LD 811. It does not provide a feasible timeframe for policy development, rulemaking, federal approval and operation. Its approach to payment is cumbersome and antiquated, requiring significant data collection and cost-based reimbursement and reconciliation. These flaws, plus its inclusion of payment without limitation and exclusion of principles of reimbursement would likely mean a high fiscal note and strong risk of federal disapproval and audit. Additionally, the payments are not time-limited, like the biennial budget's behavioral health payments to the planned implementation of behavioral health rate reform, suggesting that these payments are an alternative rather than a bridge to rate reform. This bill is going to bring great cumbersomeness to the department in and of itself and I please ask you to follow my light. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Sinclair, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, are we on item 6-3?

The **SPEAKER**: The Chair would answer in the negative. We are on item 6-2, Supplement No. 2. The Chair would inquire as to why the Representative from Auburn rises.

Representative **BICKFORD**: Mr. Speaker, the House Chamber system has us with Supplement No. 2, shows 6-2, out of Energy, Utilities and Technology and on 6-3 shows us on a committee that I've never heard of, Z regionalization and community cooperation. Can you explain that and maybe get it fixed, please?

The **SPEAKER**: The Chair would inform the Member that when the House takes a break sometimes the paperless chamber system also takes a break. The Chair would inquire why the Representative from Topsham rises.

Representative **TEPLER**: Just for clarity, we are currently on LD 811 as displayed on the board?

The **SPEAKER**: The Chair would answer in the affirmative. We will correct the tablets in just a moment. 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. 553**

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

NAY - Andrews, Arata, Austin, Bickford, Blier, Bradstreet, Carlow, Carmichael, Cebra, Collamore, Connor, Corey, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Foster, Gifford, Greenwood, Griffin, Hall, Hanley, Harrington, Hutchins, Javner, Kinney, Lemelin, Libby, Lyman, Martin, Mason, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Pickett, Poirier, Prescott, Quint, Roche, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White B, White D.

ABSENT - Bernard, Costain, Grignon, Haggan, Head, Lyford, Millett, Morales, Paulhus, Perry, Pierce, Sharpe.

Yes, 77; No, 58; Absent, 12; Vacant, 4; Excused, 0.

77 having voted in the affirmative and 58 voted in the negative, 4 vacancies with 12 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-534)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-534)** in concurrence.

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

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Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-990)** on Bill "An Act To Limit Eligibility for Commercial Menhaden Fishing Licenses" (H.P. 1414) (L.D. 1908)

Signed:

Senators:

MAXMIN of Lincoln  
ROSEN of Hancock

Representatives:

ALLEY of Beals  
FAULKINGHAM of Winter Harbor  
HUTCHINS of Penobscot  
STANLEY of Medway  
THORNE of Carmel

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-991)** on same Bill.

Signed:

Senator:

MIRAMANT of Knox

Representatives:

McCREIGHT of Harpswell  
BLUME of York  
CRAFTS of Newcastle  
HEPLER of Woolwich  
McDONALD of Stonington

**READ.**

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

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

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

The **SPEAKER**: The Chair recognizes the Representative from Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: Thank you, Mr. Speaker. Mr. Speaker, LD 1908 is a department bill that seeks to close the menhaden fishery with retroactive landings requirement. The committee came to a good compromise on this report. The compromise was that it would allow people with license history with two out of the last three years, 2019, 2020 and 2021, who have landed 25,000 pounds in 2019, 2020, 2021, or 2022, to apply for a license in 2023. The report in front of us now will retroactively remove licenses. No licenses have ever been taken in this manner before from people with a license history. The Minority Report would be the first to do that. People with a license shouldn't have it revoked because of a retroactive landings requirement and the fishing community is one of the most apathetic sectors of our community. They rarely engage in the process. It's pretty frustrating, but it's the truth. But on this particular bill, they spoke very loudly in opposition to the bill. There were roughly 84 pieces of testimony, only four were in support. One was the department who sponsored the bill, one was a group not engaged in the fishing industry and two were individuals who stood to gain by keeping other fishermen out of that industry.

Mr. Speaker, no politician campaigns on killing jobs. This bill will remove 300 licenses from people who have license history who have been paying for the licenses and have a history with the licenses. This bill is unnecessary. It's not, you know, it's not needed. The ASMFC has been contacted to see if they have any concerns with Maine's quota. Toni Kerns, the fisheries policy director, has been spoken with and he says that he has no concerns over Maine's catch or quota. Maine caught 20 million pounds; the national quota is 400 million pounds. Virginia lands 78% of that by herself. Nine boats who work for a megacorporation, Omega Foods, has nine boats that catch 80% of the country's quota. Basically, there is no issue with Maine's quota. We manage this fishery by a quota, not the amount of licenses in it. I maintain that it doesn't matter if there's a hundred licenses or 300, that we maintain the health of that industry with the quota. So, I would ask to vote down this measure and pass the Majority Report. Can I have the Clerk read the Majority Report, please?

Representative FAULKINGHAM of Winter Harbor **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 East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Mr. Speaker. I also rise in opposition to the motion before us and, with liberty, I'd like to read some comments from a friend in my area that has a 14-year-old son who goes fishing. If I may do that, I will begin accordingly. Thank you for taking the time to include my

testimony as related to LD 1908. I'm not sure if my response will make it in for review as I'm just now figuring out how to use the system and still learning how to find bills and review them. But it is worth a try. This bill was brought to me by the attention of my 14-year-old son who is working on completing his apprenticeship hours and days fishing as a student because he wants to be a lobsterman. He keeps up on the laws and regulations and thought this bill was one that would affect him as he pursues this as a career. He loves being on the water, working with the other fishermen. The work ethic and the satisfaction of working hard for a reward. Not being a fishing family, his father and I are learning the rules and trying to teach him responsibility, sustainability of the industry, as well as an appreciation for everything related to and in the ocean. We believe learning this at a young age will keep the industry alive in perspective as it has become over the last few years. After all, there is no great interest in keeping the waters safe and plentiful for all species than those who make their livings on the water. This has been shown by generations of fishermen and how the industry has been able to maintain a steady state of production through the care for the place where they work.

In researching what I could of this bill, I was not able to find if there were other solutions offered or discussed to compare to all or nothing the type of bill that this appears in its original form. Again, I'm not familiar with that. But if this is a pass or fail, I hope the report before us fails as it seems this will only hurt current fishermen in the Downeast region and also make it impossible for new fishermen to ever have a chance to catch these fish, pogeys, or menhaden, to help with self-sustaining their business. Other options to maybe consider: creating zones for catching the pogeys, working to increase the quota so current is still as it is for the southern part of the State and the eastern part of the State has a similar quota to start with. Another option may be to allow fishermen to catch enough for providing bait for self-use, which is currently already in place for a one-barrel limit. Kids fishing 150 traps are not going to be catching 25,000 pounds, which was the original threshold. They may be able to catch a few hundred pounds to use for their own bait. Other fishermen, I am sure, would be appreciative with the opportunity to catch any amount for bait to help with cost savings. It would also seem if the fish are moving east, it would, by nature, be harder for the southern part of the State's fishermen to fill their quota unless they are sailing days at a time. The natural migration opens up the opportunity for others to catch the fish. The lobstering and fishing industries are taking a hit in every direction. We all know that. A quick bill that completely shuts down the opportunity to harvest fish for your own bait seems like an opportunity that should not be denied. As my son continues to grow and complete his hours and days fishing and learning from all the other fishermen the importance of sustainability, I want him to have the opportunities to try fishing all the ocean has to offer and to be able to be an independent businessman with integrity and pride. Lobster fishing is a great opportunity and all options should be considered before locking out the next generation or for having a chance. Again, thank you for the time and consideration of my thoughts and ideas.

And that is from Tiffany Strout in Harrington, whose son, Connor, is a very industrious young man. I've spoken myself to other fishermen up and down the Downeast coast, one who travels from Eastport to Milbridge to get enough pogeys to make his trip worthwhile. If the fishery is closed to folks by default from Eastern Maine, he's going to spend a lot more time trying to catch pogeys himself than he would and a lot more money trying to get the fish. So, for these reasons, I would oppose the motion before us and move on to a different report. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative Crafts.

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

The SPEAKER: The Member may proceed.

Representative **CRAFTS**: If maintaining the commercial license for pogy fishing requires a minimum of 6,000 pounds caught, I would wonder how long or how many days it might require to catch that minimum; 6,000 pounds?

The SPEAKER: The Representative from Newcastle, Representative Crafts, has posed a question through the Chair to anyone who wishes to answer it. The Chair recognizes the Representative from Penobscot, Representative Hutchins.

Representative **HUTCHINS**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I, too, am opposed to this motion. I think maybe it would do well to let you understand maybe the difference between what some of the bait is that fishermen use. The Good Representative from Downeast, Representative Tuell, just was mentioning about the new chance to catch what we call pogeys, menhaden in the bill here, Downeast because they haven't been traditionally down there. So, those people naturally haven't been able to catch fish to qualify for the motion that's before us, they wouldn't have had the chance to catch enough fish to keep their license. They were sold their license several years ago in hopes that they would get a chance to get into this at least for themselves, most of them, I believe, is the way that they were thinking about it. And if we pass it the way we are right now, it seems to me we would owe them all their license money back again because they were sold a bill of goods. They were willing to buy into it, hoping that the fish would move their way, which they have done, but not in amounts enough so that they could have this 25,000 pounds.

And a pogy isn't a fish that's got a great deal of value. It is used for bait. It's replacing herring right now and herring is a valuable fish but we're having to be careful on how much we catch of the herring because we don't want to deplete that. Pogeys, if you depleted them to nothing, they're like potato bugs, in a year or two, they would be back, I'll guarantee you. And that they're the kind of thing that, you know, have little value for anything else. Years and years ago, we did sell a million pounds a year to the Russians on a bill that I sponsored 30 years ago and we sold it and loaded it onto the ship, the Riga, named after a town on the north coast of Russia and Captain Mick invited us on board to have lunch with him one day and we all slipped on board, literally, to have lunch in the only room on the place that wasn't slippery and you had to keep your glass full of water because there was somebody coming around with vodka to keep it full and since I don't drink

I had to be certain that it was full of water all the time or I would've been in really tough shape on that slippery deck. But my point is we were, you know, we were selling them to the Russians, they used the oil for a base for their margarine and the solids were made into pellets to feed the pigs. That's probably the best use that a human could make of pogeys but in this country we use them for lobster bait. But the chance shouldn't be taken away from those people that have legitimately bought a license. It's nothing for a fisherman nowadays to spend \$24-2500 a year on licenses to be able to work. How many of us in this room have to spend \$24-2500 a year in licenses so that we can work?

Again, the pogeys are of almost no value except for the work that they help with being able to make fishermen able to go and catch a living in lobsters and that type of thing. But we need the motion that is before us defeated so that we can pass the majority motion. And the reason that majority motion is more fair is because it will be more problem for the department, but the department is the vessel that has sold all of these licenses, and they need to stand behind those licenses. You can still cut it off at a certain point and maybe somebody will only catch 500 pounds. Well, if that's what it is, that's what it is, but we don't pick winners and losers. We should allow the people to use the license they legitimately bought, they're not fishing for something that is a valuable fish stock that we can't afford to do without and in the process of doing that, we're going to be fairer to those people. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Stonington, Representative McDonald.

Representative **McDONALD**: Thank you, Mr. Speaker. I rise before you today not to persuade you to vote one way or the other but simply to explain this bill and the difference between the Minority and the Majority Report. Menhaden is a quota-managed fishery. That quota is allocated by the Atlantic States Marine Fisheries Commission. The Department of Marine Resources is interested in improving the management of this fishery and so they wish to cap the licenses. For the Minority Report, it would cap landings as 6,000 pounds and close licenses as of January 1, 2022. For the Majority Report, the landings would be 25,000 pounds and licenses would not be capped until January 1, 2023. That is what we are voting for. There's compelling reasons both ways. Some of you may have heard from your constituents. Downeast Maine doesn't have a strong resource but because this is a quota fishery, a lot of that resource is caught up in southern Maine before those fish reach Downeast Maine either way. So, that's some information about the bill and do with it as you will. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Reckitt.

Representative **RECKITT**: Thank you very much. My question was just answered.

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

Representative **THORNE**: Thank you, Mr. Speaker. And in answer to the Good Representative from Newcastle, I did go look on the testimony of Deirdre Gilbert, who is the policy director at the Department of Marine Resources and she has a chart of active harvesters. In 2021, there were 351. Total trips

by those 351 was 4,572. And the average pounds per trip was 4,760 pounds. So, almost every trip out in 2021 yielded 4700 pounds of menhaden, pogeys. Thank you.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative McCreight.

Representative **McCREIGHT**: Thank you, Mr. Speaker. The Marine Resources Committee doesn't generally divide on reports and based on this, you're probably all glad that we don't. As mentioned, this was a Department of Marine Resources bill and it was to establish a license which we haven't had. There's an endorsement on another license. So, this establishes a commercial license for menhaden. It doesn't change at all personal use. That's what it is and what it has been and would stay the same. As mentioned also, Maine is part of the Atlantic States Marine Fisheries Commission, the ASMFC, an interstate cooperative compact. ASMFC determines how much of various species each State can catch in order to manage and protect migratory fisheries' resources. Maine has a very small quota for menhaden, which is also called pogeys, as you've heard and it is used up quickly. To have enough to meet our needs, we have to negotiate or borrow quota from other states. We are trying at the current time to negotiate with ASMFC for a bigger piece of the overall quota and both of these negotiating positions will be jeopardized if we aren't managing our fishery well. We could lose access to that additional quota that's so important especially to our lobster fishery. The entire Marine Resources Committee voted to support establishing a license and limiting the number of commercial licenses. Where we differed was over the criteria needed to qualify for a license. The original proposal of the department was what we took testimony on and neither of these proposals is the same as that original bill. Specifically, this report requires a history of landings of at least 6,000 pounds during either 2020 or 2021. Reportings of landings of menhaden is done at the time of landing and no one has to backtrack to prove landings.

We know it's time to manage the fishery effectively to make sure we have access to enough for our needs. This report prevents creation of a derby-type fishery and that's the greatest risk. In other words, we need to make sure that there won't be a rush to catch enough to qualify if we adopt a different licensure standard. So, if we allow the 26,000 pounds to be caught this year, people will rush to do that. This would result in a quota overage and would risk loss of that extra quota we need from other states each year. A lot of the discussion of the committee was about fairness. To make sure that fishermen both west and east have access to this important migratory fish, this report ensures greater fairness by lowering the landing requirement and using years where the fish were available in both the eastern and western part of the State. If too many license holders are authorized to participate in this fishery, it increases the probability that those who fish where the fish first appear, which is in the west, would scoop up all the quota before others have a chance. I'm asking for your support of this report for the best management of the menhaden fishery, to make sure that we do it fairly and so that we have these important fish available going forward beyond this year.

I'd also like to mention the feedback from ASMFC was mentioned and to follow up on that statement that it's fine, whatever you're doing is fine, the executive director was contacted and gives us this feedback. ASMFC doesn't put in legislation, they don't comment on legislation, they're not talking about which bill we pass, they're just reporting on the fishery and what could happen if we don't manage it well. Menhaden is a coastwide species collectively managed by the states from Maine to Florida through the ASMFC process. The menhaden fishery management plan allocates a certain percentage of overall quota to each of the states to support their commercial fisheries. Maine is allotted .52% of the coastwide quota that is equated to a quota of 2.4 million pounds for 2020. Maine harvested over 25 million pounds in 2020. This landing above the baseline quota was allowed because Maine Department of Marine Resources staff was able to secure quota transfers from other states. Concerns have been raised by other states regarding Maine's open access fishery, this fishery. Some jurisdictions are concerned that Maine may not be able to close its menhaden fishery in a timely manner once the State quota is landed, given that there is no cap on participants in the fishery. A limited-access fishery in Maine will address the other states' concerns and will likely provide Maine with a better negotiating position as quotas are being reallocated. States may not be as willing to transfer quota to Maine if high levels of participation preclude the timely closure of the fishery when quotas are reached. Any quota overages are deducted from next year's quota. Therefore, high rates of landings due to large number of permitholders may result in overages that reduce the following year's quota. So, again I ask support of the Minority Report for the best management of this important fishery. Thank you, Mr. Speaker.

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. 554**

YEA - Arford, Babbidge, Bell, Berry, Blume, Boyle, Brennan, Brooks, Bryant, Cardone, Cloutier, Copeland, Crafts, Craven, Crockett, Dodge, Doudera, Dunphy, Evans, Fay, Geiger, Gere, Gramlich, Harnett, Hasenfus, Hepler, Hymanson, LaRochelle, Lookner, Madigan, Martin J, Martin R, Matlack, McCreight, Melaragno, Meyer, Millett, Moriarty, O'Connell, Osher, Perry, Reckitt, Rielly, Roberts, Sachs, Sheehan, Stover, Madam Speaker, Tepler, Tucker, White, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Alley, Andrews, Austin, Bickford, Blier, Bradstreet, Caiazzo, Carlow, Carmichael, Cebra, Collamore, Collings, Connor, Cuddy, Dillingham, Dolloff, Downes, Drinkwater, Evangelos, Faulkingham, Foster, Gifford, Greenwood, Griffin, Grohoski, Hall, Hanley, Harrington, Hutchins, Javner, Kessler, Kinney, Landry, Lemelin, Libby, Lyman, Martin, Mason, Mathieson, McCrea, McDonald, Morris, Nadeau, Newman, O'Connor, O'Neil, Ordway, Parry, Pebworth, Perkins, Pickett, Pluecker, Poirier, Prescott, Quint, Riseman, Roche, Roeder, Rudnicki, Salisbury, Sampson, Skolfield, Stanley, Stearns, Stetkis, Supica, Sylvester, Terry, Theriault, Thorne, Tuell, Underwood, Wadsworth, Warren C, Warren S, White, Williams.

ABSENT - Arata, Bernard, Corey, Costain, Ducharme, Grignon, Haggan, Head, Lyford, Millett, Morales, Paulhus, Perry, Pierce, Sharpe.

Yes, 55; No, 77; Absent, 15; Vacant, 4; Excused, 0.

55 having voted in the affirmative and 77 voted in the negative, 4 vacancies with 15 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-990)** 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-990)** and sent for concurrence.

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

**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(H.P. 1216) (L.D. 1632) Bill "An Act To Update the Laws Regarding the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-995)**

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

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment 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" (6) **Ought to Pass as Amended by Committee Amendment "A" (H-940)** - Report "B" (6) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Criminal Services for Juveniles"

(H.P. 561) (L.D. 756)

TABLED - April 7, 2022 (Till Later Today) by Representative WARREN of Hallowell.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

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

Representative PICKETT: Thank you, Mr. Speaker. I rise in opposition to the pending motion. I'd like to request a roll call.

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

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

The SPEAKER: The Member may proceed.

Representative PICKETT: Thank you, Mr. Speaker. This bill as amended includes two sections. Section 1 would require the MDOC to enter into contract with an independent service provider. The provider would conduct individualized needs assessments on youth in the Maine Department of Corrections custody, either detained, committed or on community reintegration status. This assessment must be done quickly and be all inclusive to include medical, mental health, behavioral health, education, permanency, housing, family and other related topics. Section 2, which provides \$12 million to State agencies to administer and contract the outside organizations. The Maine Department of Corrections has testified in opposition to the bill originally and they still are in opposition to the amended version. They oppose the bill in Section 1, the needs assessment contractual obligation, because the department already provides comprehensive needs assessments to youth, which is an important part of care planning and measuring progress. The risk and needs assessments that the MDOC already do is a vital tool in identifying the right course of supportive action for each individual youth. If this section of the bill passes into law, it will create duplicative services. If this section of the bill passes into law, it will create an additional expense for taxpayers related to Long Creek. The MDOC currently has trained professionals assessing risk and needs of individual youth. This needs assessment doesn't actually interface, in the bill doesn't actually interface with the judiciary. If the bill sponsor wants to help youth before they get to Long Creek, this needs assessment does not accomplish that. The MDOC offered the bill's sponsor an amendment to this section of the bill, language that would have the courts ordering youth to undergo needs assessment to assist the court in determining whether detention was necessary. The language was refused, even though it would have gotten the bill's sponsor exactly what they wanted; youth assessed to determine if Long Creek is actually right. The fact that the bill's sponsor refused this amendment begs the question, I believe, of why is it so adamant to put into law duplicative services for youth.

Regarding opposition to Section 2, which provides \$12 million to State agencies, none of the State agencies named have asked for this money; \$4 million to the Department of Education, \$1 million to the Chief Executive's Office of Policy Innovation and the Future, \$3 million to Office of Children and Family Services for programming and \$4 million to the Office of Children and Family Services for housing. A lobbying firm from out of State helped put together the language of this bill and it seems as though they have written themselves into a \$1 million contract to the Office of Policy Innovation and the Future. DHHS wrote a letter to the Criminal Justice and Public Safety Committee opposing the bill and the funds. If the bill's sponsor wants to ensure each individual youth has an

assessment to understand their risk and need to help keep them out of Long Creek, this bill does not accomplish that. The best way to do that is to use the amendment that the Maine Department of Corrections provided and get the courts involved before the youth is being adjudicated. Below is the fiscal impact to MDOC which has been provided to OPFRA. This information is useful for us to see because it describes further the lengthy and unnecessary process to get the duplicative needs assessments going. MDOC would need funds associated with an RFP for a multidisciplinary agency to assess youth who are detained, committed and on community regeneration status. The MDOC came to the estimate cost of about \$200,000 based on review of similar topics within other states. The RFP will require an organization to create a comprehensive needs assessment that does not currently exist, which again will increase the costs. The language of the bill will require the new needs assessment to cover a significant number of domains, which will increase costs as it requires a large number of expert contributors; medical, mental health, behavioral health, education, permanency, housing and advocacy. As such, the needs assessment will need to be validated by an entity not connected to the organization that wins the RFP an additional cost.

Costs associated with needs assessment validation are estimated at \$35,000 based on review of other organizations' validation costs. The MDOC would contract for the validations separately from the RFP. The RFP will require an organization to have assessment staff with high level of professional credentials and experience in the assessment of at-risk juveniles, including psychologists, physician's assistant, licensed drug and alcohol clinician, permanency caseworkers, etcetera, which will increase costs. The RFP will require the multidisciplinary needs assessing team to be available on a retainer schedule in order to compile with the bill's requirement that assessments are initiated in a timely manner, which will increase costs. The RFP will require this multidisciplinary needs assessing team to be able to assess youths in community settings across Maine in addition to those youth detained or committed at Long Creek, which will increase costs. Staffing total estimated of cost \$129,521. MDOC would need to add a full-time staff at Long Creek, likely a secretary specialist at approximately \$52,500, to process the administrative portion of ensuring needs assessments are conducted by the outside entity on all youth on detained status, committed status and community reintegration status. Their responsibilities include coordinating the assessment appointments with the outside entity, the youth, the youth's family, youth's legal counsel, regional care team and all appropriate staff within the MDOC and outside the MDOC including, but not limited to, community corrections staff, collecting all necessary release forms from all applicable participants including the juvenile's guardian, sending out to all appropriate people the completed assessment recommendations, coordinating all follow-up meetings with all appropriate people after individual assessment has occurred and send out subsequent paperwork, report to appropriate entities, youth's family, legal team, judge, school, community-based behavioral team, DHHS, etcetera. And then one further staff added to the CQI team at approximately \$77,064. Their responsibilities would be to input data gathered from the outside entity's needs assessment into MDOC's IT system, update files at Long Creek and within juvenile community corrections offices with data records, information gleaned through the outside entity's needs assessment process, run



analysis and data reports, conduct regular data analysis review, meetings with Long Creek staff, juvenile community corrections staff, regional care teams and others associated with youth, create reports with detailed analysis of findings from the outside entity's needs assessment. The total amount of the fiscal impact at the OFPR believes is even higher at \$445,500.

The Department of Corrections remains committed to the thoughtful approaches well underway and in alignment with the juvenile justice system improvements and they see no need for these duplicative services when they have talented people themselves that do these assessments on a regular basis and keep statistics that would be very costly to do in addition to what they're doing now. The MSA and the Maine Prosecutor's Association also testified in opposition to this bill. The MSA believes that the topic of juvenile incarceration is one that they feel is often completely misunderstood. The Maine Sheriffs of parents, grandparents, family members who deeply feel empathy towards young adults, they understand that young minds are not fully developed and that appropriate facilities and programs are essential for those who make devastating choices. Make no mistake about it, there are youth, young adults that commit murder, there are youth who commit arson, there are youth who irreparably destroy the lives of others. These individuals are not the norm but the State has a responsibility not only to those youth who commit serious crimes but to others they could potentially harm. The MSA believes that the Long Creek Youth Development Center not only meets the needs of those youth who reside there, but that their programs enhance the lives of those they serve. Long Creek provides education, behavioral health, medical, worship services and recreational services in a secure environment. The youth at Long Creek have a one-on-one attention from caring, invested professionals. To mandate that the State scrap this facility and spend millions to recreate another system is disappointing at best, Mr. Speaker. I urge you to follow my light and defeat the pending motion. I also request that the Clerk read the Committee Report.

The same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

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

The **SPEAKER**: The Chair failed to remind the Member to not speak to the motivations and actions of other Members.

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

Representative **WARREN**: Thank you, Mr. Speaker. Mr. Speaker, there seems to be a bit of confusion. These assessments are not risk assessments. Risk assessments are currently being done at the Department of Corrections. These are needs assessments. Before we spend any State dollars, especially when we spend behavioral health dollars, we should first assess what the needs are. We should understand what's happening with that person, in this case the child, before we spend money on the services for them. That's what needs assessments are. Additionally, and I want to say that the confusion is not coming from my good friend from Dixfield, the confusion is coming from the department. And we've tried to share with them that actually the Office of Child and Family Services already uses these needs assessments for children in our State now. They already exist, they don't need to be created. In fact, it's amazing, across the country people assess children before they give them behavioral health

services. That's what we're talking about here. We had a bill last session that we passed that each year we are taking dollars away from the Department of Corrections and we're moving them in to behavioral health services. We should know what the youth need before we spend taxpayer dollars. And since we are talking about the fiscal note of what the department says we need to create assessments that we already have and the Office of Child and Family Services already use that I think was a fiscal note of \$445,000, let's remember that each year, this year and last year, we're spending \$18.5 million a year for 30 youth. And while we're on the topic of 30 youth, the department is telling us that in order to do these assessments, they need to hire more staff? We have 30 youth and over 100 staff. So, I think we should probably focus on what the facts are. The assessments already exist. The assessments should be done before we spend taxpayer money. We have already decided to pull money away from this institution. We should do it in a way that's thoughtful.

The money is there, the second part of this bill, the funding for this bill. We've done a really good job at getting the population of this facility from over 200 down to 30. That's something we should all be proud of. But the other piece we need to make sure of is that as long as we don't close the pieces that are missing right now in the continuum of care for youth, we'll continue to see youth go there. That's what the second part of the bill is about. That's what the funding is about. Thank you, Mr. Speaker.

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

Representative **CONNOR**: Thank you, Mr. Speaker. I rise in opposition to this bill because it's just the latest that I've seen that prioritizes State support for dangerous criminal offenders over protecting the law-abiding citizen of Maine. You know, one of my constituents recently asked me what keeps me up at night and, honestly, one of the things is well-intended legislation that puts public safety at risk. This bill is not only part of a soft on crime and easy on criminals trend in this State and across our country, but I have an important question. Are we really comfortable with letting a concept draft sneak through the process and balloon to over \$12 million appropriations bill? Does anyone else see an issue with awarding the Chief Executive a \$1 million giveaway fund to award to a nonprofit during an election year? With any luck, Mr. Speaker, this bill and its massive spending will die on the table, but it symbolizes the backward priorities of serving criminals over law-abiding citizens and I urge my colleagues to vote against it. Thank you.

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

Representative **PICKETT**: Thank you, Mr. Speaker. The Good Representative from Hallowell, as she spoke and we're both very well aware of this bill and its contents, but the Good Representative spoke about the department doing needs assessments and that this bill did not deal with the needs assessments. I'd like to refer to the amended portion of the bill, which under Section 134-A MRSA 7002, Subsection 8 is enacted to read and number 8, juvenile individualized needs assessments. Consistent with Section 7004, the department

shall enter into a contract with a service provider independent of the department to conduct individualized needs assessments of juveniles in the custody of the department including any juveniles placed on community reintegration status. The contract must ensure a juvenile's voluntary participation in an assessment by requiring the juvenile's written informed consent to participate in the assessment and must, at a minimum, provide that the assessments; and it goes on to talk about what the assessments are. So, this bill is about needs assessments. It's those that the MDOC do right now with competent help, well-trained help that do it to find out and they want to get it done to find out whether there should be incarceration or not and that amendment language was provided to the bill's sponsor. I also would like to say this, Mr. Speaker and that is that I had the privilege of going and touring Long Creek this past summer. And while I was there, it was a much different place than what it had been painted to me in the committee over the year before. And I had the chance to go and while I was there, Mr. Speaker, I had the chance to talk to a young man 17 years of age who looked me right in the eye and was talking with me and he says I don't know what I would've done without this place because I was in a deep, dark hole and I didn't really know what I was going to do with the rest of my life. I was ready to give up, it was all over, I was done, but these people here took me aside and they worked with me and through their programs and he was tickled pink to tell me that he had worked up to the grade of almost to the top grade of privileges within the facility.

Now, Mr. Speaker, to me, that spoke volumes to me about what Long Creek really is and what it can do. And as I toured that facility, the only thing that looked like a confinement area was the place where you slept at night. The rest of it looked like a school and a gymnasium and all kinds of areas for programs. Mr. Speaker, the MDOC in our State does a tremendous job. They're involved in a strategic plan which a Representative from the other side of the aisle brought forth and was passed in our committee and they're involved in that right now. They care about youth, they're working very hard to work with youth and this bill is \$12 million worth of money that can be used other places because we're doing the same thing right now and, in my opinion, Mr. Speaker, we're doing it very, very well. Thank you, Mr. Speaker.

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

Representative **LOOKNER**: Thank you, Mr. Speaker, Women and Men of the House. When I visited Long Creek last year along with the Good Representatives from Dixfield and Plymouth, I was struck by the number of Department of Corrections employees who all agree that prison should be the last resort for youth in our State experiencing difficulties, not the first resort. Yet over half the placements in Long Creek are there because they are awaiting placements in other appropriate settings which the State lacks. There is nearly unanimous agreement among advocates for youth justice, concerned parents, mental health professionals, law enforcement and corrections that there is a desperate need for support and diversion services in the community for at-risk youth to avoid the proven detrimental effects that even a short stay in incarceration can result in for those who experience it.

The DOC currently conducts acuity assessments to determine the level of risk a youth poses while in the DOC's care but does not look comprehensively at the youth's lives and determine what kinds of services in the community from which a youth may benefit. The assessments that are outlined in this bill would be voluntary and done with the youth's informed consent. They are not mandatory. Easily accessible, low-barrier housing, mental health and substance use treatment, jobs programs and more specialized education services are all needed for at-risk youth to prevent incarceration in the future. This can all be accomplished for a fraction of the cost that what placement in Long Creek runs, which by the facility's current budget and census count cost the DOC over \$1500 a day and over \$600,000 per youth per year. For that kind of spending, we can do the at-risk youth of our State far better with supportive services in the community, not behind bars. In the long run, this will make our State a much safer place to live by reducing recidivism. Most Mainers believe in giving second chances to people when they commit mistakes, especially to young people. There are many youth in Long Creek who have not even been given a first chance. This bill and the services it would create are a vital step towards giving our State's youth that chance so please join me in supporting the current motion. Thank you.

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

**ROLL CALL NO. 555**

YEA - Alley, Arford, Babbidge, Bell, Berry, Blume, Boyle, Brennan, Brooks, Bryant, Caiazza, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Kessler, Lookner, Madigan, Martin, Mathieson, Matlack, McCreia, McCreight, McDonald, Melaragno, Meyer, Millett, Moriarty, O'Connell, O'Neil, Osher, Peberworth, Perry, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Stover, Supica, Sylvester, Madam Speaker, Tepler, Terry, Tucker, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bickford, Blier, Bradstreet, Carlow, Carmichael, Ceбра, Collamore, Connor, Dillingham, Dolloff, Downes, Drinkwater, Faulkingham, Foster, Gifford, Greenwood, Griffin, Hall, Hanley, Harrington, Hutchins, Javner, Kinney, Landry, Lemelin, Libby, Lyman, Martin, Mason, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Pickett, Poirier, Prescott, Quint, Roche, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Arata, Bernard, Cardone, Cloutier, Corey, Costain, Ducharme, Fay, Grignon, Haggan, Head, Hymanson, LaRochelle, Lyford, Martin, Millett, Morales, Paulhus, Perry, Pierce, Sharpe.

Yes, 71; No, 55; Absent, 21; Vacant, 4; Excused, 0.

71 having voted in the affirmative and 55 voted in the negative, 4 vacancies with 21 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-940)** 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-940)** and sent for concurrence.

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

**ENACTORS**

**Emergency Measure**

An Act To Create the Electric Ratepayer Advisory Council  
(S.P. 674) (L.D. 1913)  
(C. "A" S-529)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and 11 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act To Protect the Reproductive Rights and Freedoms of Maine People  
(S.P. 156) (L.D. 811)  
(C. "A" S-534)

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

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

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

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

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

**ROLL CALL NO. 556**

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

NAY - Arata, Austin, Bickford, Blier, Bradstreet, Carlow, Carmichael, Cebra, Collamore, Connor, Dillingham, Dolloff, Downes, Drinkwater, Faulkingham, Foster, Gifford, Greenwood, Griffin, Hall, Hanley, Harrington, Hutchins, Javner, Kinney, Lemelin, Libby, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Pickett, Poirier, Prescott, Quint, Roche, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White B, White D.

ABSENT - Andrews, Bernard, Corey, Costain, Ducharme, Grignon, Haggan, Head, LaRochelle, Lyford, Morales, Paulhus, Perry, Sharpe.

Yes, 77; No, 56; Absent, 14; Vacant, 4; Excused, 0.

77 having voted in the affirmative and 56 voted in the negative, 4 vacancies with 14 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** with the exception of matters being held.

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-541)** on Bill "An Act To Expand the Address Confidentiality Program to Victims of Certain Human Trafficking Crimes" (EMERGENCY)

(S.P. 684) (L.D. 1943)

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-542)** on same Bill.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden  
LIBBY of Auburn  
POIRIER of Skowhegan

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-541)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-541)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-541)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-541)** in concurrence.

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

Representative **PLUECKER**: Thank you, Mr. Speaker. I just want to take a moment here. This week, our final week of being in the State House, we're taking between the Senate and the House, we're taking a moment to kind of look back at some of the folks that we've lost to overdose in the State. We're going to have a number of bills coming forward this week that are trying to address this issue and I think hearing some of these personal stories can be really important as we go into some of those votes. Today, I recognize the loss of Tim Bellavance. Tim's death was not unexpected but it was preventable. He's just one of thousands of Mainers who have been lost to accidental overdose. He was born on May 19, 1968, the son of Raymond and Loretta Bellavance. Until the pandemic changed everything about the way we live, work and play, he was in long-term recovery and actively participating in treatment. He had recently graduated from the co-occurring disorders court in Kennebec County and was working digging bloodworms on the shores of our great State. He loved homemade chocolate pie, his person in recovery sweatshirt and his bulldog, Sam. He is survived by his brothers, Willie and Ray, his girlfriend. He leaves behind his extended family of aunts, uncles, cousins, many close friends and his recovery community. Tim was a valued member of this community and he will be greatly missed by many within it. Thank you for taking this moment.

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

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On motion of Representative WOOD of Portland, the House adjourned at 4:59 pm until 10:00 a.m., Wednesday, April 13, 2022.