

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
16th Legislative Day
Thursday, April 14, 2022

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

Prayer by Honorable Susan M. W. Austin, Gray.

National Anthem by Honorable John "Jack" E. Ducharme, Madison.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Prohibit Solitary Confinement in Maine's Corrections System"

(H.P. 508) (L.D. 696)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-846) in the House on March 29, 2022.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-846) AS AMENDED BY SENATE AMENDMENT "A" (S-540)** thereto in **NON-CONCURRENCE**.

On motion of Representative LOOKNER of Portland, the House voted to **RECEDE**.

Senate Amendment "A" (S-540) was **READ** by the Clerk.

The same Representative moved that **Senate Amendment "A" (S-540)** be **INDEFINITELY POSTPONED**.

Representative DILLINGHAM of Oxford **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE Senate Amendment "A" (S-540)**.

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 Indefinite Postponement of Senate Amendment "A" (S-540). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 564

YEA - Alley, Arford, Babbidge, Bell, Blume, Boyle, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, LaRochelle, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, Melaragno, Meyer, Millett, Morales, 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, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Arata, Austin, Bickford, Blier, Bradstreet, Carlow, Carmichael, Collamore, Connor, Corey, Dillingham, Downes, Drinkwater, Ducharme, Faulkingham, Foster, Gifford, Greenwood, Griffin, Grignon, 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.

ABSENT - Bernard, Berry, Cebra, Costain, Dolloff, Grohoski, Haggan, Head, Lyford, McDonald, Paulhus, Perry, Sharpe.

Yes, 77; No, 57; Absent, 13; Vacant, 4; Excused, 0.

77 having voted in the affirmative and 57 voted in the negative, 4 vacancies with 13 being absent, and accordingly **Senate Amendment "A" (S-540)** was **INDEFINITELY POSTPONED**.

Representative LOOKNER of Portland **PRESENTED House Amendment "A" (H-1008)** to **Committee Amendment "A" (H-846)**, which was **READ**.

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

Representative **LOOKNER**: Thank you, Mr. Speaker. It's clear that the Department of Corrections does not want a definition of solitary confinement. That's what was given back to us by the other Body, striking that language. So, what we're doing here is we are getting a more accurate picture in reporting of how segregation is used in Maine's prisons and this is a compromise. This gets us closer to having a fuller picture of how these practices are used. So, I urge you to vote with me on this motion.

Representative PICKETT of Dixfield **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-1008)** to **Committee Amendment "A" (H-846)**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-1008) to Committee Amendment "A" (H-846). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 565

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, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Pebworth, 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, Arata, Austin, Bickford, Blier, Bradstreet, Carlow, Carmichael, Collamore, Connor, Corey, Dillingham, Downes, Drinkwater, Ducharme, Faulkingham, Foster, Gifford, Greenwood, Griffin, Grignon, 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.

ABSENT - Bernard, Cebra, Costain, Dolloff, Haggan, Head, Lyford, Paulhus, Perry, Pierce, Sharpe.

Yes, 79; No, 57; Absent, 11; Vacant, 4; Excused, 0.

79 having voted in the affirmative and 57 voted in the negative, 4 vacancies with 11 being absent, and accordingly **House Amendment "A" (H-1008)** to **Committee Amendment "A" (H-846)** was **ADOPTED**.

Committee Amendment "A" (H-846) as Amended by House Amendment "A" (H-1008) thereto was ADOPTED.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-846) as Amended by House Amendment "A" (H-1008) thereto in NON-CONCURRENCE** and sent for concurrence.

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

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

ORDERS

On motion of Representative MEYER of Eliot, the following Joint Resolution: (H.P. 1527) (Cosponsored by Senator BRENNER of Cumberland and Representatives: GEIGER of Rockland, MATHIESON of Kittery, PERRY of Calais, ROBERTS of South Berwick, Senator: LAWRENCE of York)

JOINT RESOLUTION RECOGNIZING MAY 11, 2022 AS NATIONAL SCHOOL NURSE DAY

WHEREAS, students are the future, and by investing in them today we are ensuring our world for tomorrow; and

WHEREAS, families deserve to feel confident that their children will be cared for when they are at school; and

WHEREAS, all students have the right to have their physical and mental health needs safely met while in the school setting; and

WHEREAS, students today face more complex and life-threatening health problems requiring care in school settings; and

WHEREAS, the COVID-19 pandemic has emphasized the essential role school nurses play in student health and academic success; and

WHEREAS, school nurses have served a critical role in improving public health and in ensuring students' academic success for more than 100 years; and

WHEREAS, school nurses address the social determinants of health, such as home and community factors, that affect students; and

WHEREAS, school nurses act as liaisons to the school community, families and health care providers regarding children's health by promoting wellness and improving health outcomes for our nation's children; and

WHEREAS, school nurses support the health and educational successes of children by providing access to care when children's cognitive development is at its peak; and

WHEREAS, school nurses are members of school-based teams providing school health services, so-called 504 plans, individualized education plans and disaster and emergency planning that address the school population; and

WHEREAS, school nurses understand the link between health and learning and are in a position to make a positive difference for children every day; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirtieth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize May 11, 2022 as National School Nurse Day and acknowledge the accomplishments of school nurses everywhere and their efforts to meet the needs of

today's students by improving the delivery of health care in our schools.

READ.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Meyer.

Representative MEYER: Thank you, Mr. Speaker. Mr. Speaker, Esteemed House Colleagues, by age five, most children are spending more time in school than in any other activity. This makes the school nurse a primary resource in recognizing and managing children's health issues. School nurses stand at the intersection of health and education, weaving supports needed to reduce barriers to learning and promoting healthy children, families and communities. The school nurse is the building's health ambassador, on the front line for day-to-day oversight and management of the school population's health. Optimal learning requires good emotional and physical health. Shouldering enormous COVID-related responsibility on top of their regular demanding roles, the pandemic shines a spotlight on the important work of school nurses as the public health experts in their school communities. Mr. Speaker, in preparing these remarks, I reached out to a number of my youngest constituents and asked what can you tell me about your school nurse. From middle and high school students, I heard about trust and compassion, about their nurse as a resource and an ally. But my favorite response comes from a first grader at Eliot Elementary who said she loves me even when I am sick and scared. Join me in thanking your school nurses on May 11th and every day.

Subsequently, the Joint Resolution was **ADOPTED.**
Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Kenneth Carr, of Woolwich, who received the 2022 Microwave Pioneer Award from the Institute of Electrical and Electronics Engineers Microwave Theory and Techniques Society for his meritorious achievements and outstanding technical contributions in the field of microwave theory and techniques, specifically for developing and commercializing medical devices that use microwaves to detect and treat medical conditions, including a microwave blood warmer for the United States Army to treat injured soldiers on the battlefield, technology using microwaves for the early detection of breast cancer, a brain temperature monitoring system to help prevent cerebral palsy in newborns and a radar system small enough to fit on the tip of a catheter. Mr. Carr is currently working on a medical device to destroy blood-borne viruses in the blood. We extend our congratulations and best wishes;

(HLS 769)

Presented by Representative HEPLER of Woolwich.
Cosponsored by Senator VITELLI of Sagadahoc.

On **OBJECTION** of Representative HEPLER of Woolwich, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

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

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

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.

Expression of Legislative Sentiment Recognizing the Maine Building Officials and Inspectors Association, of Augusta (HLS 698)

TABLED - April 5, 2022 (Till Later Today) by Representative MASON of Lisbon.

PENDING - **PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Mason.

Representative **MASON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise with pleasure to introduce members of the Maine Building Officials and Inspectors Association who are here celebrating the 50th anniversary of the organization of this group of professional public servants. We have Mark Stambach, Benjamin Breadmore, Benjamin McDougal, William Nash, Paul Demers, Brian Longstaff, Jonathan Rioux, Jeff Wallace, William Longley, Stewart Brooks, Werner Gilliam, Barbara Skelton, Don Fiske, Timothy Nelson. There is a strong possibility that many of us have engaged our local building code officers as resources for remodeling our homes or even putting up a business sign. These men and women are the face of each of their respective municipalities. While they are often enforcers, they are also the predominant educators of the building and land use ordinances for their towns. The Maine Association of Building Officers and Inspectors that began 50 years ago next month was organized to promote consistent interpretation to create a professional network and to be a resource for construction professionals. The current MBOIA membership is 325 strong and by fostering and promoting professional standards has been recognized as a respected chapter of the International Code Council. Thank you, Mr. Speaker.

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

Expression of Legislative Sentiment Recognizing Thor Gabrielson, of Rockport

(HLS 756)

TABLED - April 12, 2022 (Till Later Today) by Representative DOUDERA of Camden.

PENDING - **PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Camden, Representative Doudera.

Representative **DOUDERA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, it's my pleasure to introduce to you today an incredibly promising young man from Rockport. As you heard from the sentiment, Thor Gabrielson is a senior at Watershed School in Camden who completed the Maine Association of Math League season with the highest score in history. Needless to say, he finished first and number one in the State and is this year's recipient of the Pete Pederson Bowl. In case you are wondering, Pete Pederson was a mathematics instructor and department chair at the Maine School of Science and Mathematics in Presque

Isle. In his high school Maine Association of Math League career, Thor has earned number one freshmen, number one sophomore, number one junior and obviously number one senior and he's merited top spots on the statewide leaderboard. He's a candidate in the 2022 U.S. Presidential Scholars program and the winner of the College Board's Rural and Small-Town Recognition Award. He was recently accepted by early decision to Colby College, where he will dual-major in Mathematics and Computer Science. Now, obviously, Thor is an incredibly gifted young man and we would be proud of him for his many scholarly accomplishments alone. But here are some of his other achievements; serving as an altar boy at St. Thomas Episcopal Church in Camden, working summers at the Hannaford in Rockland, volunteering for senate and presidential campaigns, creating a tutoring program at the Rockport library and doing lawncare for free for a World War II veteran in Rockland. Mr. Speaker, ladies and gentlemen, please join me in recognizing this outstanding young man who we hope continues to stay right here in Maine, Thor Gabrielson.

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

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

REPORTS OF COMMITTEE

Divided Report

Seven Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-1006)** on Bill "An Act Implementing the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act"

(H.P. 1210) (L.D. 1626)

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

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

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

Signed:

Senator:

KEIM of Oxford

Representatives:

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

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-1007)** on same Bill.

Signed:
Representative:
BABBIDGE of Kennebunk

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-1006).**

READ.

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

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

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

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

Representative **EVANGELOS:** Thank you, Mr. Speaker and Ladies and Gentlemen of the House. On September 13, 2007, the United Nations adopted the Declaration of Rights of Indigenous Peoples. Inherent sovereignty is the most basic principle of all Indian law. It means simply that the powers lawfully vested in an Indian tribe are those powers that pre-date New World discovery and have never been extinguished. My State must come to grips with this, that sovereignty cannot be bought, sold, granted or traded. So, while I speak today, it is with full regrets and knowledge that my State cannot grant something that my native brothers and sisters already inherently possess.

The **SPEAKER:** The Member will defer. The Chair would inform the Member that the Member's papers are hitting the mic. The Member may proceed.

Representative **EVANGELOS:** Some people would like that, Mr. Speaker. Mr. Speaker, I had mentioned the other day that the State of Maine stole 15 million acres from the native nations in Maine. My house sits on those acres and, Men and Women of the House, so does this State House. Archeologists, historians and anthropologists estimate that before 1600, the population of the Wabanaki Nations ranged anywhere from 40,000 to hundreds of thousands. By 1900, that number was down to about 900. And I'm not going to use inflammatory language to describe that, I'll just state the facts. We are revisiting an arrangement that was adopted in 1980. From 1778 to 1871, the United States government entered into more than 500 treaties with Native American tribes. All of these treaties have since been violated in some way or outright broken by the U.S. or its states. They made us many promises, but they kept only one. They promised to take our land and they did. Chief Red Cloud Oglala Sioux. I think it's important to remember that former Attorney General James Tierney acknowledged that the Settlement and Implementing Acts were living documents, subject to change over time and that's why we're revisiting this today.

Mr. Speaker, the Judiciary Committee has spent four years on this. We had a monumental effort by the task force in the previous Legislature. We voted it out but I think the very next day in 2020, everything got called off because of the virus. So, we took it back up again this year and we voted it out again today. Some of this is difficult. As I stated the other day, we're going to have to make sacrifices to fix this. When we steal something of such magnitude, we have to give a little bit back to make it right. I want to visit what happened in the 1960s when in 1964 we adopted the Civil Rights Act and in 1965 the Voting Rights Act. Maine was the last State in the union to allow Native Americans to vote. In fact, in 1967, finally, we allowed Native Americans to vote in State elections. It's a

shameful legacy, Mr. Speaker. How shameful. Roger Joseph Dana, a Passamaquoddy native, was drafted into the Vietnam War. He was killed in action before he had the right to vote. I want to visit what went on in 1980. I'm quoting from the transcripts and I have them here, anyone's welcome to look at them. It was the Joint Select Committee on Indian Claims. And I want to discuss with the Body and with you, Mr. Speaker, whether the State negotiated in good faith because through historical research, two extremely important documents have been discovered and I want to share them with you, the key portions of them. The first from the March 28th Joint Select Committee which was held in Augusta from then-Attorney General Richard Cohen, which laid out Maine's strategy to rob the tribes of their inherent sovereign rights. And I quote; the framework of the laws in this settlement act is by far the most favorable State Indian jurisdictional relationship that exists anywhere in the United States. As a general rule, states have little authority to enforce State laws on Indian lands. Tax laws, water/air pollution laws, zoning, health laws, contract and business laws and criminal laws, all those State laws are usually unenforceable on State Indian lands. I believe such a result would be intolerable, said the Attorney General. The proposal before you today not only avoids such a situation, but recovers for the State much of the jurisdiction over the existing reservations that it had lost in the recent litigations. Attorney General Cohen was speaking about the court cases in the 1970s which conferred ownership to two-thirds of the State to the Wabanaki Nations.

Additionally, on August 28, 1980, when the Indian Land Claim Settlement Act was coming down the stretch in Washington, Senator William Cohen's aide wrote the following memo summarizing the strategy for Maine. Quote; the municipality concept was adopted because it was believed to be the best device; the best device, ladies and gentlemen, to ensure that the tribes remain under Maine law and did not take on the substantial attributes of sovereignty which characterized many of the tribes in the west. The municipality construct was also seen as the best way of tying the tribes irrevocably to Maine law. By endowing the tribes with the characteristics of municipalities, the State believed it was avoiding the creation of a nation within a nation, which Chief Executive Longley had so vigorously decried. What was one of the motives behind this strategy, Mr. Speaker? Not only did this strategy deny Maine's Native American nations their inherent sovereign rights, but then-Attorney General Cohen laid out this additional motive in a March 1980 memorandum and I quote from the transcripts; this settlement results in no direct cost to the State of Maine. We have every reason to believe that the State will realize a substantial net savings by treating the Indian territories as municipalities. I am confident that the State, therefore, will realize a substantial net financial gain from this settlement. The State of Maine contributed not one cent to the tribes as part of this settlement. And how fair was the Joint Select Committee on Indian Land Claims during that hearing? For about five hours, the proponents of the settlement, from timber companies and members of the State government that were trying to put this through in a hurried fashion. And we proved in the Judiciary Committee from both sides that it was a hurried-up job and for one reason was that the election of 1980 between President Carter and Ronald Reagan, Mr. Reagan had indicated that he wasn't going to go for this. So, there was a rush job in October of '80 to get it through. But I want the Members here to know how the Native Americans were treated that day who had the courage to dissent. Reading from the transcripts, Penobscot Dana Mitchell challenged Senate Chair

Samuel Collins as follows and I quote; well, I find it kind of unusual at this time to find that the Penobscot Nation and representatives and their people are restricted to a five-minute time limit in delivery of comments when the State and other people have had unlimited time to speak all day. I'd like to enter that into the record, he said. Twenty minutes later, the Senate Chair restricted the Native Americans to two minutes and this was not a restriction applied to anybody else that day. So, it's for all these reasons that I support this motion. Let's reverse this legacy. Let's allow our brothers and sisters in the tribal nations to have the right to self-determination and inherent sovereign federal rights that the tribal nations enjoy for economic development and a variety of other reasons in the other 49 states. Thank you, Mr. Speaker.

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

Representative **BABBIDGE**: Thank you, Mr. Speaker, Esteemed Members of the House. The bill before us is historic in timing and consequence. I've been a long-time student of indigenous history. On this vote, on this day, I want to share concerns I hope to be addressed. Every morning for 40 years, I pledged with my students words which ended with the five words on my license plate; liberty and justice for all. In my teaching of the American story, I would guide my students into an exploration and celebration of the greatness of America, while being sure to see the parallel history of terrible injustices and the courage of those that dared to stand up to set things right, to make this country still in progress what it is today. The underpinning of our greatness has been the quest for equal opportunity and the establishment of great principles, among which is inclusion, not segregation and equality before the law regardless of cultural differences. In school, we examined the plight of indigenous people in each era of American history. My objective as a teacher was for students to feel pride for the good progress we have accomplished but to realize that being American is not the same for all and that citizens must be ready to step up to correct injustice. The origins of the bill before us, for me, was during the 129th when the chiefs of Maine's tribes first came to speak with the committee on Judiciary. As a retired history teacher, the history of the moment was a joy for me. But I recall an unusual encounter. In an informal moment, a tribal woman said to me are you going to help the poor Indian? At first, I thought she was mocking me, but her eyes were kind. Yes, I am, I responded assertively with a smile. Remember, she said, the priorities are education and health care, as they are for us all, I thought. But an irony soon became apparent to me. Despite teaching about the nation's decades of genocide, indoctrination and, later, neglect put upon the tribes at the hands of the federal government, I was now being asked not for equality and inclusion but for immunity and separation from State law in order to embrace that same federal government. That's because in recent history the federal government has been proactive on Native American issues. This bill to amend the 1980 treaty to surrender State authority in favor of tribal sovereignty, has won the hearts of many. Regardless if its contents were one page or a hundred pages. I understand. As a result of the Implementing Act, the tribes have a trust fund and have purchased about two-thirds of the eligible 300,000 acres prescribed in the act and they receive State monies for education, as they should, as does any municipality and dedicated funds from Oxford Casino, all of which I strongly support. So, for me, due diligence has required that I treat the request objectively for what it is; a request for different status

by one of the State's large landowners, representing Maine citizens with a compelling history.

This bill amends the Maine Indian Land Claim Settlement Implementing Act. That act provided \$81.5 million in federal funds, about 275 million today, to set up a trust fund and purchase a total of 300,000 acres in various locations across the State in return for dropping legal action on the claim and agreeing to abide by State law. This bill repeals the statement on the first page of the Implementing Act that says Passamaquoddy Tribe and the Penobscot Nation have agreed to adopt the laws of the State as their own. And later in the act, it repeals and they enjoy all the rights, privileges, powers and immunities of a municipality. The rest of the bill before us incorporates most of the 23 task force recommendations that started this process. The report before us and my report reflect that carefully-crafted wording to implement many changes, but perhaps most important to me, the reforms of the federal Law and Order Act passed by Congress in 2010. This bill has substance and has been carefully worked. We as a Legislature cannot tie the hands of a future legislature from acting on its own to overturn or amend what we do. But the surrender of jurisdiction is made more indelible by this amended treaty. The immense responsibility of doing what is fair and just for our grandchildren, both tribal and nontribal, has caused me to lose sleep over these past three years. Tribal sovereignty for the three reservations is, to me, easy to support. However, the tribes have been granted ongoing purchase rights so this bill will award sovereignty with as yet undefined locations where future generations of tribal members can purchase additional land and put into the pipeline to become trust land, immune from State laws. The ability to engage in commercial enterprises, including mining, for example, in Indian trust land around the state, with Maine consulted but with no power to enforce regulations put in place to protect Maine citizens. That is concerning to me. One reason that tribal sovereignty is a step toward economic prosperity is that out-of-state investors and corporations may be interested in contracting with the tribes in order to operate beyond the regulations and taxes of State government. Given that Indian territory in Maine is not merely the three reservations but includes purchased land power over much of the State. With the recently granted open-ended authority to purchase more, what will that mean for tribal neighbors? Maine's regulations are, in many cases, intentionally more protective than federal rules. Our business on nontribal land may be at a competitive disadvantage to a new business on nontribal land may be at a disadvantage to a new business on neighboring tribal land. And this might be repeated in a checkboard design across the State.

Cities and towns, those municipalities for which this Legislature has granted charters for self-government, struggle in order to assess fair taxation among their residents to pay for their schools and public safety. Tribal purchases of land to be put into trust beyond municipal taxation upsets that fairness. Yes, payments in lieu of taxes is on paper but compliance in the past has been uneven and, when paid, it guarantees over time that landowners with identical lots of side-by-side property will be paying different taxes or fees. To avoid the problem of reduced tax revenue from municipalities that tribal purchases would assuredly cause, future land acquisition for tribal land to be put into trust should be confined to plantations and unorganized townships. Millions of acres that is governed not by cities and towns but directly by the State of Maine. Mr. Speaker, the tribes can purchase land anywhere in the State, from Moosehead Lake to my hometown of Kennebunk and

adhere to municipal and State rules. But this bill would be better if those future purchases of tribal land to be put into trust, which would make it beyond the jurisdiction of Maine law, did not include the Kennebec River Watershed and westward but, instead, targeted through the ancestral lands within the Penobscot River Watershed and points north and east to Canada and that within that expansive territory, future land acquisition for trust land be limited to land in plantations and unorganized townships, therefore avoiding jurisdictional disputes with cities and towns. The bill before us does not do that. Other than the above, my Ought to Pass Report is identical with that of the Majority, with many aspects of agreement too numerous and, thankfully to you, for this speech. There is much emotion in the chamber today and rightly so and it is a struggle to me, for me, to be an impartial legislator regarding a people for whom I have so much respect and classroom history as well as the history of the last three and a half years.

This bill is about respect and as well as opportunity. I am still committed to equal treatment before the law but I will continue to support changes that benefit this category of Mainers after proper consideration of consequences for others. Mr. Speaker, for this momentous bill to pass, it must be considered by the Members of two bodies of this Legislature and the Chief Executive. If any of those individuals are reluctant to agree with this report, I offer my concerns today as a path forward. The grievances brought by the tribes that we in Maine government have failed in a timely manner to adopt the benefits that federal legislation has brought to other tribes, are justifiable grievances and therefore, the tribes ask that the burden of State jurisdiction be removed. As we press forward to improve the lives of the people of our State, what we do in this 130th Legislature must be fair for all of our grandchildren, tribal and nontribal, who will be neighbors in the Maine of tomorrow. Fellow Members of the House, I thank you for your attention. Thank you, Mr. Speaker.

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

Representative **RECKITT**: Thank you, Mr. Speaker, Men and Women of the House. I rise today in support of LD 1626, "An Act Implementing the Recommendations of the Task Force on Changes to the Maine Indian Land Claim Settlement Implementing Act". I'm currently in my third term of service in this Body but, more importantly, I have been privileged to spend all of that time as a member of the Judiciary Committee. As a member of the Judiciary Committee for the last six years, I have worked diligently on issues affecting the Maine tribes. Even before I was serving here, I was working with Judge Maynard of the Penobscots to expand tribal jurisdiction in domestic violence offenses involving victims who were tribal members. Thankfully, that initiative succeeded last year, in large part due to the tireless efforts of the Assistant Majority Leader of this House. In the 129th Legislature, tribal issues began to reach an appropriate level of interest, if not action. Members of the Judiciary Committee held hours of testimony on tribal issues, including sovereignty for the tribes. And over the course of the 129th and the 130th, literally hundreds of citizens of Maine, as well as numerous members of the Maine tribes, shared with us not just their hopes about the legislation before us, but testimony of many egregious ways many had been treated by misguided Maine citizens. Members of the Judiciary Committee traveled to various tribal lands and met with the citizens there. I, myself, was especially touched by the economic deprivation of the Aroostook Band of Micmacs because of their inability under the current law to access

programs that have been critical to economic growth in the other 600 tribes of this nation. The bill before us today can cure that problem.

Whether we are discussing taxes, criminal jurisdiction, water rights, environmental impacts, or other relevant issues, it is time that we understand and help our friends, neighbors and other constituents understand there is in our world right, justice and restitution for wrongs that are long-awaited. You may say I am lucky and I am for a lot of reasons, but central to today's discussion and vote is my understanding that not just my constituents but from my observation thousands of citizens in Maine and in the peace and justice movement will remember this historic moment if we have the courage to hold hands with the members of Maine's tribal communities and raise those hands up in unison and solidarity for justice. Please join me and vote to pass LD 1626. Thank you, Mr. Speaker.

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

Representative **ROEDER**: *Waliwon*, Mr. Speaker. Before I begin, I want to take a moment to reiterate what my friend, the Representative from Friendship, said that this bill isn't about bestowing sovereignty; it's about the State's recognition of the sovereignty that the Wabanaki tribes already possess. If the State of Maine recognizes sovereignty of the Wabanaki, they would have federal resources to address and repair past injuries and injustice. Maine is the only State in the nation that doesn't recognize the sovereignty of the federally-recognized tribes within its borders. If you will permit me a moment of levity, let me just say that I can't believe we're letting Alabama beat us. Let me take a moment, though, to tell you the real reason that LD 1626 keeps me up at night. Their names are Eban, Amara, Carmella, Layla, Adrien, Nikoa and Byron. I had the distinct honor of working with these indigenous young people in several programs during my previous role as the director of education at Penobscot Theatre. During a production of stories adapted from Penobscot culture performed in both English and Penobscot, I remember one young performer saying I never thought I would see my stories on stage, you don't know what this means to me. The ancestors of these young people were hunted for bounties, saw their land, language and children stolen, their rivers polluted. We are still uncovering the traumas we inflicted with colonization and those traumas are still affecting the Wabanaki today.

I reached out to one of those young people and asked what she wanted us to know about this bill. She replied; this is an important bill to me as a young Penobscot and Passamaquoddy person. I've gotten to listen to a lot of the discussion around it over the last few years because of my mom being the ambassador and I really hope all of the work pays off and we can have equal rights. Our tribe should be able to be independent and sovereign. We should be able to be like all the other tribes in the country. My future is important to my mom and other tribal leaders and they know that living under the conditions of this Settlement Act has done damage to our people and they want better for the next generations. Please support this bill. It's about fairness and respect. We are capable of being independent and we are strong and smart people. I, myself, am here in part to dismantle my role in the oppression of indigenous people. I am here to do that in honor of the indigenous young people in my life, that their future might look different than the deprivation and oppression of the past. So, that they might have a future unhampered by challenges that my own children won't have to face simply because my kids happened to be born white. Passing LD

1626 is the first step in the long road to reconciliation and it is a step we must take today. The time is always right to do right. Thank you.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Sachs.

Representative **SACHS**: Thank you, Mr. Speaker. I rise today to strongly support the motion that is in front of us. In 2020, consistently across my district, people talked to me about four issues, Mr. Speaker; education, health care, the environment and tribal sovereignty. Two years later, they continue to stop me in the grocery store to ask me am I going to support 1626. Here's a summary of just some of their reasons that I compiled from emails sent to me. That there is a fundamental inequity in the way that Maine's tribal community is treated under our laws. None of the other 570 federally-recognized tribes in the United States live under the same restrictions as those imposed in the Wabanaki Nations here in Maine. Wabanaki tribes have been denied the right to regulate land use and natural resources in their own land such as water. Given their generations of stewardship of these resources, restoration of these rights aligns with Maine's environmental and climate future. The economic development that will result from self-determination, Mr. Speaker and access to federal funds, will benefit both the Wabanaki tribes and surrounding communities. And this legislation implements 22 consensus, bipartisan recommendations released in January 2020, by the task force on changes to Maine Indian Claim Settlement Implementing Act. Utilizing the bipartisan work forged by consensus on this difficult issue, Mr. Speaker, represents an opportunity to implement thoughtful policy. One resident of Freeport summed it up beautifully, Mr. Speaker; let us also recognize with respect and resolution the original people who have cared for this land for generations and who continue to live together with us as our neighbors. Respect and resolution, Mr. Speaker. I urge passage of the motion before us. Thank you.

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 also regarding LD 1626 because it would take a dramatic and historic step to address unfairness built into the 1980 Implementing Act. On October 7, 2001, President George W. Bush ordered U.S. forces to attack Al-Qaeda. In his words, to defend not only our precious freedoms but also the freedoms of people everywhere. I was at that time, on that day, a naval intelligence officer on the other side of the planet, deployed about the aircraft carrier USS Carl Vinson. We were a couple hundred miles off the coast of Pakistan, we were the closest U.S. strike force to Afghanistan and our ship was the flagship of a 50-ship multinational battle force, the largest one assembled since World War II. And we were about to start a war in the name of freedom. Throughout American history, Mainers have left behind loved ones to fight for freedom and sovereignty on these lands and overseas. And yet this State has refrained from recognizing the sovereignty of the Passamaquoddy, Penobscot and Maliseets. Instead, treating them in a manner unlike any other American tribe. Sovereignty, Mr. Speaker, is at the heart of LD 1626.

I am so proud to be an American and a Mainer, but pride ought not blind us to the ways that this State and nation have sometimes been less than forthright with the first nations known to occupy our beloved woodlands, mountains, rivers and coasts. As the Representative from Friendship has already alluded to, there were many treaties, certainly,

between the Wabanaki tribes and the colony and then the Commonwealth of Massachusetts in many years from 1678 onward. Strangely, Maine Statute currently requires that the promulgated copies of our State constitution hide the language about honoring those treaties. The U.S. government went even further than hiding language. Historian Roxanne Dunbar-Ortiz pointed out that the Supreme Court in *Lone Wolf v. Hitchcock* in 1903 found that the U.S. Congress had plenary power to, quote, dispose of Indian lands and resources regardless of the terms of any previous treaty provisions. Legislation followed and by the 1920s nearly all prime grazing lands came to be occupied in much of this country by non-Indian ranchers. A very similar thing happened with Maine's natural resource, our timber and for control of land for military purposes. In 1833, the State of Maine dispatched a wealthy lumber company CEO, Amos Roberts and Judge Thomas Bartlett to purchase Penobscot lands. After this transaction, the tribe in June of 1833, that same year, right afterwards, formally protested to the State that the sale was, quote, obtained by fraud and deception for below market value. An earlier Maine Legislature considered shedding light on this shadowy chapter but by a margin of a single vote chose not to even print the Penobscot tribe's protest document. Thus, it was never really resolved but the result was that yet another section of territory was lost by the tribes under dubious circumstances.

Now, much needs to happen to improve the health, education, housing and other opportunities for American tribes at the federal level, but a lot has improved between the federal government and the American Indian tribes. Unfortunately, for a very long time, this State lags far behind. Maine has held the Wabanaki back. It has held pervasive and peculiar authority over the tribes, keeping out of tribal hands federal funds that go to every other recognized tribe in the United States. And it also has kept the tribes from exercising judicial tax and hunting and fishing rights. I would also remind this House, Mr. Speaker, that the 1980 Settlement Act was intended to evolve. The U.S. Secretary of the Interior at the time wrote to the Senate Select Committee on Indian Affairs on August 19, 1980, saying that our proposed amendment to the bill would give Congress's consent to future jurisdictional agreements between the State and the tribes. Thus, there is flexibility built in to this relationship, he wrote. Today, Mr. Speaker, we have an opportunity to exercise that flexibility. And there definitely is precedent for giving back to the tribes as President Richard Nixon did in 1970. In giving back to the Pueblo Indians, President Nixon said this bill represents justice because in 1906 an injustice was done. Also, that bill and that motion had been passed by bipartisan majorities in Congress. During my travels, Mr. Speaker, I have personally seen how governments in Canada and Australia have started to reconcile their past treatment of first nations and aboriginal people. Putting the people of the dawn land, Maine's Wabanaki, on par with other indigenous people in this country would be an important step along a similarly honorable road. Now is our moment.

In closing and I appreciate your indulgence, Mr. Speaker, please permit me to recall for the record something which I shared with the Judiciary Committee in the hearing on this bill. They are excerpted words from the Passamaquoddy tribal representative during a speech in this chamber in the 63rd Maine Legislature, 135 years ago. In the struggle between Great Britain and America, your people came to us for assistance. You authorized Colonel John Allan to speak to us and you said believe what he says to you. After many kind words and promises, Francis Joseph, who was the chief of the

tribe at that time, accepted his offer. In a few days, Francis Joseph gathered an army of 600 men. The Passamaquoddy Indians faithfully fought for the American people, to help them gain their independence. Sopiell Soctoma with 50 others of his tribe captured an armed schooner, British schooner, in Passamaquoddy Bay and they ran her to Machias and gave her up to Colonel John Allan. You promised us you would see to our just claims in the future. The Indians who served in that war are passed out of existence but the Passamaquoddy Tribe is still in existence. How many of their privileges have been broken? How many of their lands have been taken from them by authority of the State? Now look at this yourselves and see whether I am right or wrong. I don't mean to insult anybody, but simply to tell you of our wrongs. Mr. Speaker, Lewis Mitchell, the Passamaquoddy tribal representative spoke those words on the 9th of March 1887. Although he himself has since passed out of existence, his great-great-granddaughter is a Member of this 130th Maine Legislature and co-sponsor of this bill. Representative Rena Newell can bear witness to our State answering her ancestor's call to honor. Thank you, Mr. Speaker.

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

Representative CRAFTS: Thank you, Mr. Speaker. I rise in support of this motion and will take this opportunity to share the words of Ambassador Maulian Dana, who provided the following testimony. LD 1626 allows us to realize a dream of amending a deal that hasn't worked for us. Deals often don't work out the way they were intended and it's never too late to set things right. It is time to extend federal law provisions to the tribes of Maine. It is time to extend tribal jurisdiction and stewardship over tribal lands, resources, water and people. There is no reason to not work to accomplish these things together. It is time to restore the things we lost in 1980 when our backs were up against the wall and generations of poverty and trauma that were not our fault forced us to agree to this settlement. The problematic language in the Settlement Act has been suffocating and unlike anything any other tribes in the country have had to contend with. We are not wards of the State. We are sovereign tribal nations. We are not municipalities. We are Wabanaki people who have been living in our homelands for thousands of years before Maine existed. It is time to heal old wounds and lift up some of the most marginalized and oppressed people in Maine, but also some of the strongest and spirited. We have come back to this table in good faith. I testify today to ask you to hear what we are requesting and know that it is not unreasonable, it's not unfair, it's good for tribes, it's good for Maine and it is exactly the process and policy we have been wanting and needing for over 40 years. Thank you, Mr. Speaker.

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

Representative MORIARTY: Thank you, Mr. Speaker, Friends and Colleagues of the House. The time for gradualism is over. At this point in our history, we cannot honestly, fairly, or plausibly go to our tribal co-residents and say to them be patient, give it another decade, sovereignty will come your way in just a bit more time. History shows that there's no basis for that sort of approach. Consider this; it has been 41 and a half years since the Maine Implementing Act was signed. At the time, it was anticipated that it would be a catalyst for change on an ongoing basis. Perhaps not by giant steps, but steady and progressive change and progress all the same. And that hasn't happened. Of course, there have been some intervening studies in the years since, but we have little or

nothing to show for that effort. Indeed, at this point, the Maine Implementing Act is not a living, breathing document. Instead, it has become fossilized, brittle and resistant to change. The time has come now for a significant step forward. The bill before us today does not abolish the Maine Implementing Act, but amends it in an overdue fashion. It builds on the foundation established back in 1980 and does take that giant step once and for all to convey sovereignty and the right of self-government to our tribes and to put them on a par with fellow federally-recognized tribes across the nation. There is no justification for further delay or procrastination on our part and I urge support for the pending motion. Thank you.

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

Representative SYLVESTER: Thank you, Mr. Speaker. This is literally my last day in this Body. And so, I rise on this bill, LD 1626, probably the last bill I'll ever rise on, to tell you a story of the plan of the three Ps, which is my story. My first P is my Pepe. My Pepe came from Canada. I've talked about my Meme and Pepe in this House. He stole a car, packed six kids in it, drove down to Lewiston so he could work at the mills. He didn't have much. He faced some oppression as a French person in Lewiston. But he started four businesses, each time failing and going back into the mill and he died the owner of the Dairy Joy in Biddeford. But his grandson was able to one day be elected to this Body. And that happened in large part, not because of the obstacles that were in front of him, but because of those obstacles that were not in front of him. That even those who hated him because he was French had the same color skin as he did. The second P is poor. There's a bond between people who know about what a mayonnaise sandwich feels like in your stomach, about the delicacies of a fried bologna sandwich, about what it means to know that your sneakers must last till next year because there isn't another pair. But I, the grandson of my Pepe, was the first kid in my family to go to college. I even went to a fancy one. I graduated with a 4.0. I came out and I worked for 20 years trying to help folks, started my own business, because of the story of my Pepe. But I did those things not because they were handed to me, not because of the obstacles that I fought to get through them, but because of the obstacles I didn't face because those who were wealthier than me, even those who might've been actively trying to keep me poor, had the same color of skin that I did, Mr. Speaker.

Now, the third P is the word privilege. A lot of folks who look like me wonder what that means. If you had asked my Pepe about all the privilege he had, he wouldn't've known what you meant. If you asked the 14-year-old me about what privilege I had, I wouldn't've known what you meant. But I'm 52 now. I've sat in this building for six years and when I came into this building, I had a plan, Mr. Speaker, that in this session that maybe I'd be the guy sitting behind that chair. But something happened. COVID happened. I talked to hundreds, perhaps thousands of people trying to access their government to get the benefits that this government offered so that they could feed their family and so that they could take care of their homes and not lose them. And what I realized was that my whole life had been about listening but that I hadn't really been listening. I realized that even at 52 that you can realize the obstacles that are not in front of you but are in front of others. Now, I spoke on an earlier speech in this building in the 129th about how we can't go back and fix history. We can't fix what the people who sat in these chairs did before we got in them, but we are in these chairs now, Mr. Speaker. We can fix the future. And if this old guy can listen and can realize that the

best things that he'd done in his life is when he spoke for those whose voices were not being heard. And, Mr. Speaker, I would ask everyone sitting in these chairs, these chairs and this chair that I've been so proud to sit in alongside all of you and I would ask you to listen to the tribes of Maine whose voices have not been heard again and again and again and I would ask you to support LD 1626. Not because of something that someone else did but because you can fix the future. You can fix the communities of this State. You can fix things. Do it for those who have asked you to do it. Heck, do it for this old Frenchie, if that makes you feel better. But, Mr. Speaker, I beg those who are sitting in this chair now to do it. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Camden, Representative Doudera.

Representative **DOUDERA**: Thank you, Mr. Speaker. I live on ancestral land once known at Megunticook, or "Great Swells of the Sea". And I rise today to echo what I have heard from countless constituents. We must continue our work to rectify our long and shameful history of broken promises to the Wabanaki people. I was proud to vote for measures that began this process of healing in the 129th Legislature and I applaud our Chief Executive for signing them into law. I was beyond proud of the vote this House took earlier in the week to provide clean drinking water to the Pleasant Point Reservation. Now we must continue that work and heed the recommendations of the bipartisan task force on changes to the Indian Claim Settlement Implementing Act. My reason is simple. The Wabanaki people have waited long enough. It's time to make the recommended changes to the Implementing Act and recognize the Passamaquoddy Tribe, Penobscot Nation and Houlton Band of Maliseet Indians as sovereign nations. I will close with the words of a neighbor who reached out to me on the morning of the public hearing. Susan said: I'm writing today to ask you to support LD 1626. It is asked that I convey how this bill will impact me personally. I am not Wabanaki but I am a citizen of Maine and therefore, I am living on what was once their land. If this bill helps them, it helps me. They are my neighbors and we are all one. Please support the tribes and help them prosper. Thank you.

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

Representative **MARTIN**: Thank you, Mr. Speaker, Members of the House. We've heard a lot today about this legislation but I do want to add a few words. Because this bill that came out from Judiciary amends the Enabling Act that we created back in the '80s, or late-'90s, I should say. And what it does, basically, is to define what is meant by some of the terms that are listed in the act. It defines what a federal Indian law is. It tells us how it relates to the citizens of Maine. It also deals with implementing the provision of law that deals with the Houlton Band and the trust land involved with that tribe. And then it also defined Indian territory and then it also deals with how they can acquire additional land. So, the technical amendments make provisions to align with constituent's language of the provision within the Maine Implementing Act. And I would urge, if we get to that stage where we have the engrossed bill, that people take it home with them this summer and read it because then it clearly will spell out some things which you have been told one way when, in fact, it is more accurate to read the final enactment when we get to that stage. And I really think that the Judiciary Committee did a great job in doing that implementation and I congratulate members of the committee for having done that and I wholly support the enactment of this legislation.

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

Representative **PERRY**: Thank you, Mr. Speaker. I rise in support of the pending motion. The Passamaquoddy are my neighbors and I had the pleasure of knowing them for close to 20 years and representing them for most of that time. I have seen the struggles that they have had to keep relationships going even within their own communities, their own community neighbors. But one thing that really struck me is that this summer I went to a celebration of the acquisition, the final acquisition of the Meddybemps settlement, which was an inland settlement of the Passamaquoddy. And it took many, many years for this negotiation to occur. Why? Because that area was a toxic waste dump. We really took care of their land. There was a lot to clean it up and then the architectural artifacts that were found that really were so much of their ancestral history was found and kept. The celebration was beautiful. But don't any of us think that we can take better care of their land than they can. We need to give them the right and the ability to do just that. Thank you.

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

Representative **COLLINGS**: Good afternoon, Mr. Speaker, Ladies and Gentlemen of the House. I'm very proud to be here on what I consider a very historic day. To my knowledge, I don't know in the last 42 years when a bill of this significance to change the relationship with the federally-recognized tribes of the Wabanaki in the State of Maine has happened here in this Body or the Senate. So, although progress can be very slow, I'm glad that we are having this debate today which, in my opinion, is very long overdue. Now, Mr. Speaker, I don't consider myself too old but about 20 years ago, I was a bit younger and I was a staff member in the Legislature and I got in a bit of a trouble one day for taking time off from work and joining the tribes in protesting the State. And what had happened was I just thought I knew everything about politics in the State but I really didn't know much about tribal-state politics and I was greatly educated, being a legislative aide here and working with the tribal representatives. And what I thought after researching and working with them on issues that what had been going on with the tribes wasn't really known to the greater public but, in my opinion, was becoming a great civil rights issue of our day that we weren't really addressing. And at that time, people didn't even really feel confident to talk about a bill of this manner. So, I am glad that even though it's 20 years later, we are having this debate today. And I say that because when I look in the context of 20 years, there's some people in this room, there's some people watching, our friends from the Wabanaki tribes have been waiting a lot longer to have changes to this act and have some changes in general that can make their quality of life much better for them. Now, I understand this is new to many people and when there's a bill of dozens of pages, people get into the technical arguments, people can get into the weeds, it can sound complicated, but I want to say is that if you go back and look at the original settlement act and the implementing act which created the federal settlement act, those documents were probably of equal length, whether they were 35 pages or whatnot. That's what had to be contained to deal with these issues of jurisdiction with the tribes, the State, the federal government and everything else that was agreed to in that act signed in 1980. So, if we can create complex laws to bound tribes to a certain jurisdictional agreement with the State, we surely can have the same length of a document to deal with

changing those for the better of the tribes and for the people of Maine.

Now, outside of the Legislature, I've had the privilege of working with tribes all around the country and while most of us in our capacity here have really been focused on the State of Maine and the relationships with the Micmac, Maliseet, Penobscot and Passamaquoddy, I have had the honor to work with tribes all over the country in every region, basically, as well as some First Nations in Canada. And what I can say is that the model that exists today doesn't really exist in practically any other state. And I also look at the success tribes have had not only for themselves but for the neighboring communities and for their states. It has been phenomenal. I have seen some of the best economic corporations, I've seen some of the best economic developments, I've seen some of the best hospitals and health care systems, I've seen incredible philanthropy from tribes, I've seen chief executives in states, whether they were democrat or republican, get on the phone and call the tribes when there was a crisis in that State because they collaborate and work together. And while most states allow tribes to go about with their sovereignty, without the interference to the extent that's in Maine, we're really an outlier, they of course do have conflicts at times. There's always going to be conflicts between different sovereign entities nation to nation where agreements are not met. But what I can say for the most part, Mr. Speaker and my Colleagues in the House, in most of those states, they do agree to let the tribes prosper and for the State to get out of the way of self-governance for the tribe because the tribe knows best how to take care of their community members and dealing with infrastructure, with the environment, with health care, with economic development, with the elders.

So, the success has been phenomenal and, again, in most states there are conflicts but the sovereignty is enhanced in most states to a degree that the tribes can prosper and the states can prosper. Now, when we come back to Maine, when we look at it, for 40 years we've lived in this paradigm and for 40 years it really has not worked for the tribes and I don't know how it's really worked for the State. When you go around other states, you'll see billions of dollars in economic development generated from tribes that have enhanced sovereignty. You see not only revenue from gaming, but they have other corporations. They do federal government and military contracting that provides tens and tens of thousands of jobs around the country and really in many states there are tribes are the number one leading economic driver in a lot of those states and those regions. So, what I just would like you to consider is that here for 40 years this paradigm has not worked. So, when we vote today, I would like you to ask yourself should we continue down this road and say maybe some other day we'll get to it or can you have some confidence in me and others that have said all around the country it doesn't exist like this, it works much better and what we're doing today is taking some very small steps, long overdue, to get us there.

In closing, Mr. Speaker and Colleagues of the House, I do want to remind people that this 1980 Settlement Act was about a settlement of land. Two-thirds of the State, pretty much, have been taken illegally from the tribes and that's what they were negotiating about and the federal government and the State tribes tried to resolve that. The tribes in good faith negotiated not to of course take two-thirds of the State but to take limited parcels in the State. There was an agreement about how that would go on and the federal government was going to provide some money for the recourse but the State did

not pay a penny for that. And I do not know why, I have my suspicions, but if this was a dispute on settling land, I don't think it was in good faith that the State at the last minute, when it was questioned if this was going to be signed in time and the tribes were going to get anything, I really wonder why we had to stick in all these other jurisdictional issues that have bound the tribes up for four decades now. And I hope today we can change that. At the time when that Settlement Act was signed, the lifespan of a Native American here was a little over 40 years old. The situation was dire. There was desperation to have a better way of life, so, I can understand while even though they didn't want to have these jurisdictional constraints, they really needed to do something. So, I can't blame them, they were in a very tough spot. You don't understand the life that they were living at that time. And, even today, after 40 years, I don't think it's all that much better. I think the average lifespan is 50-something. So, in 40-something years, I don't think the improvements have been made, I don't think this act has done the best for the tribes and I don't think it has been the best for the State because in states where tribes can prosper, those states and communities can, too. So, why not we get out of the way of the tribes, let them self-govern more and it will benefit all of us, just as it does in practically every State in the nation. So, I hope that we can join today in this historical vote to allow the tribes to have the same privileges that virtually every tribe out of more than 500 in the United States of America can utilize, to prosper and take better care of their communities and also benefit their neighbors and states to a very great degree. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Copeland.

Representative **COPELAND**: Good afternoon, Mr. Speaker. Thank you very much. I have simple words to say. We are as good as we treat others. The tribes welcomed our ancestors, including mine, off the Mayflower and we have treated them shamelessly. The fact that we had to vote to give them clean water earlier in the week hurts my heart. And I know that we're good enough, we can do this, we can do the right thing and today we can vote in favor of this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Osher.

Representative **OSHER**: Thank you, Mr. Speaker. Mr. Speaker, I support LD 1626, "An Act Implementing the Recommendations of Task Force on Changes to the Maine Indian Claims Settlement Implementing Act". I'm a soil scientist. In the decade after I graduated from college, I worked for three different federal agencies. I was aware that in each location, my employer, the U.S. government, was managing land that was home to an indigenous community. In every location, the people who came to settle there and the governments established by those settlers had pushed the indigenous people aside and much worse. I worked for the Soil Conservation Service in Johnston County, North Carolina, the ancestral home of the Tuscarora people. White settlers had declared war on the indigenous people there more than 300 years ago and by 1717 had killed most of them. The descendants of the survivors of that genocide were pushed to a reservation in upstate New York. I didn't meet a Tuscarora tribal member when I was working there. Next, I worked in the U.S. Agency for International Developments Program in the Amazon Basin of Peru, the home of the Machiguenga people. There, I mapped soils on an agricultural experiments station. The place where people moving from other parts of the country, the arid coast and the Andean mountains, would learn

how to grow crops in the lowland humid tropical forest. The Peruvian government's policies were dismissive of and detrimental to the indigenous people of the forest. The development occurring was pushing them further into the forest at the same time it was destabilizing their communities and their culture. Being there soured my interest in being part of the U.S. International Development Initiatives. I returned to the U.S. and worked for the Forest Service in Southeast Alaska, the land of the Tlingit and then in Colorado, the land of the Arapahoe and in California in the lands of the Hupa. These federally-recognized tribes had collaborative working relationships with the State and federal government as coequals. I was so pleased that the U.S. government's relations with the indigenous people was significantly better than what had happened to the Tuscarora in North Carolina and what I had witnessed in Peru.

And then later I moved to Orono to teach at the University of Maine. I taught soil and water quality and with the help of John Banks, former director of the Penobscot Nation Natural Resources Department and then-Chief Barry Dana, I incorporated information about the intersection of water quality and tribal sovereignty into the curriculum. I was surprised to learn that the tribes here do not have the same rights as the hundreds of federally-recognized tribes in the U.S. The terms of the 1980 Indian Land Claims Settlement Act are problematic and they're particularly problematic in the way that they impact the management of natural resources. We've already talked about the problems with water quality on one of the tribal lands this week. It's really time to change that. There's been plenty of work done to figure out how to do it better and this bill is the culmination of a lot of work. It's time to change how the situation is now. Mr. Speaker, I thank you for your time and I urge you to support the pending motion.

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

Representative DRINKWATER: Thank you, Mr. Speaker and my congratulations for your patience and this Body for its patience. There's been some fantastic speeches here this morning, or this afternoon, rather. I'd like to tell you a little bit about my life growing up on the Penobscot River with the tribe as a neighbor. My grandmother was a Native American, taken away from her family in 1906, moved from North Dakota all the way to Hampden, Maine. She had many memories of what it was like to live on a reservation. I tell you what, she was a fantastic grandmother. My father used to deliver firewood to the tribe, Penobscot Nation, in the '50s and '60s, before there was a bridge. He had to drive across the ice in the wintertime. I went to school with the Loring's, the Francis's, grew up with the Bears. I didn't see any difference between them and us. They were just great friends. Fished together, Penobscot River, below the Milford Dam. Parents told us we couldn't swim in the river because at that time we all know the water was absolutely polluted. We've come a long ways cleaning up that river, thankfully, for this Body, the federal government. So, where now I am watching kids from the island swim, kids from my own neighborhood swimming in the river now. We've come a long ways.

I've heard some things here this morning, Mr. Speaker, that, you know, implies that they're poor, mistreated. I never witnessed that, Mr. Speaker. In fact, I'd like to tell you about Mr. Loring, who was drafted into the Army to go to Vietnam. He told me one time, he said, I didn't realize I was so poor until I was drafted and went through basic training. He grew up thinking he was rich; family, hunting, fishing, boating. He thought he was rich. We talked about the Settlement Act, \$81

million. My mortgage was affected by that in 1977 because they claimed they owned Milford. And the mortgage holder said that I would have to pay off that if this wasn't settled because in the deed, there was restrictions and things I would have to do. And I've heard about, you know, not being able to sleep at night. Well, you know, as somebody that was only making \$75 a week, I didn't know how I could pay off that mortgage.

Let me tell you something about what that money did do to the nation. That money enabled them to build a health care over there where they have free health care for their members, the tribe. They had dental care, eye care. They built a hockey rink. Great place to go and watch hockey. Sadly, it's not being used for that now, hopefully it will be used again for something recreational. They had a public works department. They built infrastructure, housing, they expanded the footprint on the island to where members could afford housing.

Mr. Speaker, their grievances are just. They absolutely, absolutely, been mistreated. But you know what, through all this, they've maintained their dignity and their honor. Hardworking people, great neighbors, family. You know, Mr. Speaker, I tried to get to yes on this bill. I want to vote for this bill, Mr. Speaker. The problem, Mr. Speaker, is they want to be sovereign and I've read the bill, I've watched the testimonies. I think we had a chance, Mr. Speaker, to come out with a strong bipartisan bill. So, this is my question and I'll end it with this Mr. Speaker; in this amended version of the bill, will the nations still be receiving municipal revenue sharing? And if somebody would care to answer that, I'd appreciate it, Mr. Speaker. Thank you.

The SPEAKER: The Representative from Milford, Representative Drinkwater, 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, Colleagues in the House. I rise in support of the pending motion.

I begin by thanking everybody who has worked so hard and for so long to get this bill regarding sovereignty before us today. And while I address these remarks to my esteemed colleagues, I also address them to members of the Wabanaki Nations. We have taken your ancestral land. We have taken your children. We have polluted your waters so much that we warn you not to eat the fish from your rivers, the rivers that provided you sustenance for millennia. We have treated you as less worthy, less important, less valued, as less than people. And we have memorialized that treatment in our laws, our regulations and our systems. We have treated you as wards of the State and not as free human beings with the liberties enjoyed by all others. We have turned a blind eye to physical and sexual violence that has resulted in death and the disappearance for some and a lifetime of trauma for so many more. We have tried to strip you of your culture, of your language, of the traditions that defined you because we thought you should be more like us. And we have broken and dishonored treaties and promises that we have made to you over and over and over again. And for that, Mr. Speaker, I am sorry. We have formed commissions, study groups, workgroups, a truth and reconciliation commission, task forces and more. All of those commissions, workgroups and study groups reached the same conclusion; the relationship between the State of Maine and the Wabanaki Nations is fractured, is broken, is unhealthy. In 2019, this Body created a task force on changes to the Maine Indian Claims Settlement Act. The task force, which had a large and diverse stakeholder group,

worked diligently for 16 months and their work resulted in 23 consensus recommendations. Of those recommendations with recorded votes, 19 were unanimous; 19, while the others had one dissenting vote. Essentially, there was near-unanimity on every recommendation brought forth by the task force.

So, in the 129th Legislature, LD 2094, an act to amend those recommendations, was introduced but died upon adjournment. After all of that work, all of that collaboration and discussion, all of the public hearings, all of the work sessions, all of the work done by this Body, tribal attorneys, the office of the Attorney General and the Chief Executive, nothing has really changed. Sadly, though some progress has been made, I think we are essentially in the same place and continue to have a fractured and unhealthy relationship with the Maine tribes. That relationship hurts the State and the Wabanaki Nations. Today, we have a choice. While we cannot rewrite our history, we can make history by charting a new path forward. We can create a better future for all of Maine, including our native brothers and sisters, the members of Maine's first nations. Today, we have a chance to do better. We are considering LD 1626, a bill that can create a new and more just relationship. We are faced with a pretty simple question; is Maine prepared to recognize the inherent sovereignty of Maine's first peoples, sovereignty that long predated the arrival of our European ancestors? And while that is a simple question, the ramifications of our answer cannot be overstated. If Maine continues to refuse to recognize the inherent sovereignty of the tribes, nothing of substance will ever change. Sovereignty has to be the starting point. Sovereignty is not part of a negotiation. That is why I support LD 1626 in its amended form, because it can address historical wrongs and hopefully pave a road to a better future. LD 1626 would guarantee that the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians enjoy the rights, privileges, powers, duties and immunities similar to those other federally-recognized Indian tribes within the United States. It would establish that most federal Indian legislation that benefits the other 570 federally-recognized tribes would equally benefit the tribes in Maine. As it stands now, Maine tribes receive none of the benefits of more than 150 laws that have been passed by Congress since 1980 when this act was signed; 150 laws that benefit all of those other 570 tribes. This has resulted in the loss of access to federal economic development funding, a lack of access to federal funding to strengthen tribal courts. The Penobscot Nation alone estimates that it lost out more than \$3 million to potential federal funding because the Maine tribes were originally excluded from the 2013 Violence Against Women Act. Maine's first nations also do not have direct access to other types of federal funding such as FEMA. Unlike federally-recognized tribes, the Maine tribes have to go through the State to access this money to get any federal assistance. This created a significant burden on the tribes during the COVID-19 pandemic. We can change that so the Wabanaki Nations receive those benefits extended to all other tribes. And I believe we must take that step. It is the right, just and moral thing to do. The Wabanaki have suffered for too long under an oppressive system that we created. We can change that and if we change that, it will benefit us all. When the Wabanaki suffer, Maine suffers. When the Wabanaki thrive and prosper, Maine thrives and prospers. Let's make that a reality. Please join me in supporting the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Talbot Ross.

Representative **TALBOT ROSS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this legislation is the result of the generational ancestral determination and courage of the Wabanaki Nations. To move what has always been inherently theirs; sovereignty. As defined by Passamaquoddy Vice-Chief Darrell Newell, quote, sovereignty means inherently sacred inalienable rights which should have never been put forth on the negotiations table for debate and compromise. Where sovereignty exists, there is an equal government-to-government relationship. Tribal sovereignty is the right to make decisions for our people without outside interference. Our communities thrive when we ourselves can lead the efforts to protect our lands and people. Bits and pieces of limited sovereignty, which is what we currently have, is not sovereignty at all. This legislation, LD 1626, makes an attempt at the restoration of our sacred tribal sovereignty, end-quote. The legislation before us for a vote is here because of what the Wabanaki peoples, both known and unknown to us, have been fighting for hundreds of years. I want to honor their lives and dedicate my remarks today to those individuals, the Wabanaki ancestors and to the leaders who are with us today for getting us to a point where the State of Maine has the opportunity, as we have heard throughout this afternoon, to right the wrongs of the Maine Indian Claims Settlement Act and finally uphold the Wabanaki peoples' rights to self-govern, to self-determination, giving them the same rights as all other tribal nations within the United States. This bill is not just part of the history of Maine or of our nation. It is part of a global history of indigenous peoples' fight to preserve and protect themselves, their communities, their natural resources, their cultures, their languages and their histories from the repeated threats of erasure, genocide, enforced assimilation.

Article four of the United Nations Declaration of the Rights of Indigenous People, a resolution recommended by the Human Rights Council and adopted by the General Assembly on September 13, 2007, states that indigenous peoples, quote, in exercising their right to self-determination have the right to autonomy or self-government in matters relating to their internal and local affairs, end-quote. The United Nations, the Human Rights Commission and the General Assembly uphold indigenous sovereignty as a critical human rights issue and one that all governments must respect. Now is our chance in the Maine House to protect this human right and respect international law by restoring tribal sovereignty for the Wabanaki Nations. I want to be clear that this bill, as we have heard, is not anything new. It is giving the Wabanaki Nations back the rights they used to have. Prior to the 1980 Maine Indian Claims Settlement Act, the tribes had those rights. The federal settlement resulted in the tribes receiving compensation for their aboriginal title claims and Penobscot Nation and Passamaquoddy Tribes got the ability to purchase up to 150,000 acres of land. While the primary purpose of the federal Settlement Act was to resolve the land claims of the tribes, the act included cumbersome and overly-broad provisions that made the tribes and their lands subject to State criminal and civil jurisdiction. That provision states in part that the tribes and their lands, quote, shall be subject to the laws of the State and to the civil and criminal jurisdiction of the courts of the state to the same extent as any other person or lands or natural resources therein, end-quote.

Outside of Maine, the federal government and tribal governments generally share concurrent civil and criminal jurisdiction on tribal lands and the state governments possess no jurisdiction unless granted by Congress. Further, the

federal Settlement Act included provisions indicating that any federal law enacted for the benefit of Indians would not apply in Maine unless the law expressly indicated that it did apply. Maine tribes, therefore, are the only tribes in the country that face this restriction regarding federal laws enacted for the benefit of Native Americans. These provisions of the Maine Indian Claims Settlement Act have limited the tribes' ability to self-govern as compared to the other 570 federally-recognized tribes. You have heard and I will repeat for the record examples of this include the loss of benefits from federal Indian legislation that applies to all tribes except the Maine tribes, loss of access to federal economic development funding and lack of access to federal funding to strengthen tribal courts and criminal jurisdiction. The Penobscot Nation, as you have heard, estimates that it has lost out on more than \$3 million in potential federal funding because the Maine tribes were excluded from the 2013 Violence Against Women Act. A lack of ability to directly access other federal funding such as FEMA. Unlike other federally-recognized tribes, the Maine tribes have to go through the State to access any assistance from FEMA. This has created a significant, significant, horrific burden during the COVID-19 pandemic. An inability to recruit physicians and other medical personnel who work in other parts of Indian country because they are not licensed by the State of Maine and a lack of access to gaming opportunities on tribal land unless authorized by State law. Meanwhile, the State has authorized two casinos and a half a dozen of off-track betting facilities in our State.

Mr. Speaker, I urge you to vote in favor of LD 1626. I am going to take a moment to specifically state for those who may still not know what this will do. This bill will establish that the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians enjoy the rights, privileges, powers, duties and immunities similar to those of other federally-recognized Indian tribes within the United States. This would affect many areas of current law which provides the State with significantly more authority over Indian affairs than other states, such as taxation, criminal justice, hunting and fishing on tribal lands, natural resources and land use. This bill will establish that most federal Indian legislation would apply to the Maine tribes regardless of whether they or the State were named in the federal act. This bill would increase the timeline for tribes to request a State agency consult with the tribe on rules, legislation or policies that will substantially affect the tribes. Mr. Speaker, during this bill's eight-hour public hearing before the judiciary committee, over 1500 people testified in support, including over 100 organizations that have joined a coalition in support of tribal sovereignty. I am grateful to everyone who has spoken up, testified, contacted their legislators, demonstrated, written letters in support of this bill. The outpouring of support for this bill has been unprecedented and I am honored to join my cosponsors in moving this bill forward. The Good Representative from Biddeford, Speaker Fecteau, the Good Senator from Allagash, Senator Jackson, the Good Representative of the Passamaquoddy Tribe, Representative Newell, the Good Representative from Portland, Representative Ben Collings, the Good Representative from Gardiner, my dear friend, Representative Thom Harnett, the Good Representative from Calais, Representative Anne Perry, the Good Representative from Friendship, Representative Jeff Evangelos, the Good Representative from Greene, Representative Tom Martin and the Good Senator from Cape Elizabeth, Senator Ann Carney.

Mr. Speaker, throughout the history of the United States, we have amended our laws over and over again to correct past

wrongs, improve our democracy and protect the rights of those previously left behind. Our constitution was created to be amended and since its ratification it has been amended 27 times. We are a better people, a better country and a better State because of our ability to adapt, amend and correct our laws. So, I want to end with one last quote. On August 28, 1963, at the Lincoln Memorial on the Washington DC National Mall, to quote a great American, Martin Luther King, Jr. said; we are now faced with the fact that tomorrow is today. We are confronted with the fierce urgency of now. In this unfolding conundrum of life and history, there is such a thing as being too late. This is no time for apathy or complacency. This is time for vigorous and positive action. As we stand on the unseated land of the Wabanaki, I say to you, Mr. Speaker, it is time. We in this Body are confronted with the urgency of now. It is time for us to correct the Maine Indian Claims Settlement Act. It is time to restore the Wabanaki Nation's sovereign rights. To the people of Maine, I say this is a moment of opportunity. To you, Mr. Speaker and my colleagues here, I urge you to support LD 1626. Thank you, Mr. Speaker.

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

Representative **NEWELL**: Thank you, Mr. Speaker. Greetings, Mr. Speaker and Honorable Members of the House. [Speaks Passamaquoddy] Rena Newell. My name is Rena Newell. [Speaks Passamaquoddy]. I am Passamaquoddy. [Speaks Passamaquoddy]. I am from Sipayik. [Speaks Passamaquoddy]. I proudly serve as the Passamaquoddy Tribal Representative to this Maine State Legislature. Mr. Speaker, I'll begin by offering the following quote. I thank all that spoke before me. The essence of tribal sovereignty is the ability to govern and to protect the health, safety and welfare of tribal citizens within tribal territory. Therefore, Mr. Speaker and Honorable Members of this House, I stand to speak in support of this important piece of legislation, LD 1626, "An Act Implementing the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act". Mr. Speaker and Honorable Members of this House, in similar fashion to words expressed by my great-great-grandfather Lewis Mitchell who served as a tribal representative to this Body more than 135 years ago, I humbly ask each of you to receive and reflect upon my words with an open mind. I do not wish to offend yet only to bring a voice to the subject before us.

Mr. Speaker, it has taken a great deal of time to reach this historic day. When I began in my role as the tribal representative for the Passamaquoddy Tribe at the start of the first session of the 129th Legislature, it followed a time where little dialogue was occurring between the tribes and the State due to the walkout from this chamber that occurred in 2015. After receiving permission from the Joint Tribal Council to return to this designated seat within this chamber, I learned that there were many bills submitted by Representatives other than myself on behalf of the Wabanaki Tribes. This was, it turns out, an indication that the Legislature's relationship with the Wabanaki Tribes was evolving in a positive manner. An important point to make, Mr. Speaker, is that the Chiefs of the Wabanaki Tribes, some who are with us today, were then invited by leadership at that time to begin discussions once again. On or about April 16, 2019, tribal leaders met with State leaders. Mr. Speaker, I will remind you and this Body that on June 10, 2019, a joint resolution presented during the 129th Legislature was presented to support the development of mutually beneficial solutions to the conflicts arising from the

interpretation of An Act to Implement the Maine Indian Claims Settlement and the Federal Maine Indian Claims Settlement Act of 1980. The resolution stated we, the Members of the 129th Legislature now assembled in the first regular session on behalf of the people we represent take this opportunity to recognize that the Maine Tribes should enjoy the same rights, privileges, powers and immunities as all other federally recognized Indian Tribes across the United States. On July 22, 2019, the first meeting of the Task force on Changes to the Maine Indian Settlement Implementing Act began.

Mr. Speaker, might I take an additional time to share from material submitted to the task force? It is the timeline leading up to the Maine Indian Land Claims Settlement. Mr. Speaker and Honorable Members of the House, in 1820, Maine became a State and assumed all duties and obligations from Massachusetts arising from treaties and otherwise and accepted monetary compensation for doing so. From 1820 to 1975, Maine exercised increasingly pervasive authority over tribes approved by Maine courts while the federal government failed to exercise its trust responsibility to the tribes. In 1873, the Maine Legislature removed treaty obligations language from the printed constitution. In 1892, in *State v. Newell*, Maine law court holds that the tribes are fully subject to State law. In 1967, Maine Indians obtained the right to vote in State elections. This was 40 years after Native Americans were granted the right to vote in federal elections by Congress. In 1968, the Chief Executive's task force on human rights documents condition of Maine Indians. The report began with the following introduction; to be Indian in the State of Maine means, if you are on a reservation you live in substandard housing, with inadequate sanitary facilities. Your children are likely to receive such a poor elementary education that they will be almost certain to drop out of high school. But no matter how bright they are, they are likely to be counseled away from a college education. The report further stated that nonindigenous men can come within your communities and commit crimes of violence against you and your family with almost complete impunity while you, as an indigenous person, are likely to be arrested for the slightest infraction of the law and prosecuted to the hilt. Most of all, that you can be certain your problems will be studied, the study filed and forgotten, until the next study. But that nothing will change very much.

From 1970 to present, new federal policy adopted to promote tribal self-government in the Self-Determination Act and numerous other federal laws passed to support tribal government, tribal self-government. In 1975, *Passamaquoddy v. Morton* holds that the Nonintercourse Act applies to the Passamaquoddy Tribe and the Penobscot Nation and recognizes the trust responsibility between the tribes and the United States. In 1976, after *Morton* decision becomes final, federal government acknowledges the Passamaquoddy and Penobscot Tribes as federally recognized tribes. In 1979, in *State v. Dana*, held that the State criminal laws are not applicable to Indians on Indian lands in Maine which are Indian country under federal Indian law. In 1979, *Bottomly v. Passamaquoddy Tribe* holds that the tribes in Maine have the same sovereignty as other federally-recognized tribes under federal Indian law. In 1980, the Maine Indian Claims Settlement Act and the Maine Implementing Act was signed into law. Passamaquoddy, Penobscots and Maliseets were parties. The Aroostook Band of Micmacs were not a party but are subject to State law and listed as an other tribe. Mr. Speaker, the matter before this Body is about fairness, equity and the right of self-determination. And I wish to speak briefly to self-determination. Since 1968 to present, the overarching

U.S. policy regarding federally-recognized tribes has been one of promoting tribal self-determination. In this period, Indian country has seen the resurgence of tribal government activity in congress and in the federal courts. Policies emerged that favored tribal control over their destinies. With control over their lands and resources, tribes have made great strides towards reversing the economic blight that resulted from previous federal policies and have revived their resilient and beautiful cultures, languages and societies. Under the Self-Determination and Self-Governance Acts, tribal governments have been managing many federal programs that are intended to serve Indian people. I would correct that to say indigenous people. Mr. Speaker, related to the tribes' right to self-determination is the right to self-govern, which is, one, which is the right to pass and enforce laws on your own lands. As indigenous people have a right to maintain and develop their own indigenous decision-making institutions, they also have the right to participate in decision-making in matters which would affect their rights through representatives chosen by themselves in accordance with their own procedure. By fostering the active participation of indigenous peoples, the expectation is that their rights will be protected and their culture and physical survival ensured. The Wabanaki Tribes of Maine enjoy and exercise their right to participation in public affairs and yes, our right to self-govern and to pursue self-determination on our own terms is restricted by the Settlement Act.

Today, in 2022, at a time when tribal nations throughout the United States are increasingly becoming leaders for rural progress in terms of government services, economic development and environmental stewardship, the Wabanaki Nations lag far behind our indigenous brothers and sisters around the United States. We see amazing tribal-state partnerships that deliver millions of dollars every year into education, public health and criminal justice. We see State government leaders embrace tribal leaders as friends and as trusted allies. Here in Maine, however, tribal self-determination has been much different. Instead of tribal-state partnerships aimed at giving a hand up, tribal-state relations in Maine have historically been embodied in the old Indian agent, who used to administer food, clothing and jobs in our communities. They literally gave us handouts as opposed to a hand up. Mr. Speaker, as a young child, I cleaned the office of the Indian agent. As I stand here today, Mr. Speaker, I would state that the Indian agent mentality must no longer be supported as we, the Wabanaki Nations seek to govern ourselves, to chart our own paths for success and self-determination. Mr. Speaker, I have heard many times throughout my time here, concerns that may arise as a result of unintended consequences that are often supported to vote against proposed legislation. A quote often attributed to former President Franklin Roosevelt is that the only thing we have to fear is fear itself. Truer words have never been spoken when it comes to what hinders true progress in tribal-state relations here in our beloved homelands that we share.

Mr. Speaker, let it be stated that the Wabanaki Tribes have lived for more than 42 years to what I observe as the intended consequences of living with the limitations set forth in the Maine Implementing Act created in 1980. Mr. Speaker and Honorable Members of this House, the time to change this is now, for the Wabanaki Tribes rightly deserve and should enjoy the same rights, privileges, powers and immunities as other federally-recognized Indian tribes within the United States. Lastly, the Wabanaki were the first to greet Europeans when they arrived in these lands hundreds of years ago. Our

generosity and stewardship of these lands that we all call home that allowed settlements to flourish in reliance on Maine's bountiful natural resources. We remain here today as the same people, looking to be good neighbors and to build a brighter and stronger future for our communities. I ask all of you, my colleagues, to reflect upon these sentiments and to vote in favor of LD 1626, [Speaks Passamaquoddy], Mr. Speaker.

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

Representative LIBBY: Thank you, Mr. Speaker. Mr. Speaker, I first would like to answer the question for the Representative from Milford. An email from our committee analyst, Janet Stocco. Under current law, the Passamaquoddy Indian territory and the Penobscot Indian territory are treated as municipalities for purposes of municipal revenue sharing. LD 1626 would've expanded this provision to also apply to Houlton Band trust land. The majority committee amendment removes the Houlton Band trust land from revenue sharing, however. Thus, if the amendment is adopted and enacted, municipal revenue sharing will stay the same as it is under current law. This change can be found on the last two lines of page 14 of the amendment and lines one through eight of page 15 of the amendment. Mr. Speaker and Men and Women of the House, as we consider LD 1626, it is critical that we keep in mind that a future legislature cannot repeal or amend the new language, even in the case of mistakes or misunderstandings and that amending the Maine Implementing Act is, in fact, the only context in which one sitting legislature can bind its successors. Federal Indian law; this term sounds simple, clear, concise and certainly well-defined. As we worked through this bill in committee, however, it became clear that the term federal Indian law is none of the above. While the bill seeks to provide clarity, it creates more questions than it answers. Despite two years of work on LD 1626, uncertainty and disagreement remain in nearly every area affected by it. Federal Indian law as defined in LD 1626 as the U.S. Constitution and all generally applicable federal statutes, regulations and common law and case law, interpreting, implementing, applying, or enforcing those laws and regulations and subsequent amendments thereto relating to the rights, status, privileges, powers, duties and immunities of federally-recognized Indian tribes and their members and land or other natural resources within the United States. As defined, federal Indian law is complex, evolving and subject to judicial interpretation.

Mr. Speaker, what that boils down to is that federal Indian law is not static but instead is ever changing. It evolves as federal laws are passed and amended and as federal courts interpret the relevant statutes and regulations and their application to federally recognized Indian tribes, nations, bands and other groups. Litigation has as much impact on federal Indian law as do the various federal laws passed. In other words, while passing LD 1626 would bind future Maine Legislatures, federal Indian law will remain open to interpretation in perpetuity as federal laws change and cases go before federal courts. It could result in conflicting regulations, state, federal and tribal and it raises questions as to which controls, requiring years of litigation to settle. While proponents point to the application of federal Indian law throughout the United States, these comparisons fail to recognize the unique circumstances that have made direct comparisons nearly impossible. Unlike Maine, the other states given as examples have contiguous tribal land holding rather than tribal land scattered throughout the State of Maine. LD

1626 would allow the tribes to acquire trust land anywhere in the State, altering the trust land acquisition portion of the Maine Implementing Act significantly. Currently, municipalities are included in the process of taking land into trust. As amended, LD 1626 removes home rule and town rights so that neither the State nor the municipality in question can prevent the federal government from taking land into trust on behalf of the tribes. In addition, LD 1626 would allow the tribes to impose different environmental standards than those of the State. Those standards could be more lenient but could also be stricter than those of the State and would be equal in legal stature with those of the State. These standards would apply in all disparate tribal lands in Maine. The reason this is problematic is, as stated above, tribal lands in Maine are not contiguous, as they are in most other states, but are spread throughout Maine. This would create uncertainty in numerous Maine communities and, again, result in considerable drawn-out and costly litigation.

This plan would remove the guardrails on environmental protection established by the State of Maine. The combined factors of as yet unknown parcels being added to trust land over the coming years and the ability of the tribes to impose environmental standards that vary from the State on those parcels when they are added to trust leaves a great deal to question. Any municipality in Maine could be affected, particularly in regards to waterways. While the tribes would not be subject to any municipal or State law or ordinance, municipalities would be required to comply with the regulations established upstream. As long as their actions are authorized under federal law, the State is completely unable to prevent that action. If the tribes purchase a piece of land that includes a body of water, their primacy over the Clean Water Act could allow them to dictate standards upstream from their land, again resulting in drawn-out and costly litigation all over our State. There are serious unknown consequences on natural resource and wildlife management, land and water access and liability. For example, tribal members would not be subject to hunting laws throughout the entire state, not just their tribal land, allowing tribal members to hunt on a Sunday in any part of the state, both inside and outside of tribal land. The bill also creates significant changes to Maine's tax code and exempts covered tribal entities and individuals from taxation. Aside from the obvious issue of not providing these benefits to all people in Maine, it creates the possibility for unfair competition for local municipalities. LD 1626 would also make major changes to criminal jurisdiction in our State, authorizing tribes to arrest, try, convict and incarcerate individuals for sentences up to nine years, a major shift from the current system. Given the disparate nature of the tribal land holdings, criminal jurisdiction would be complicated significantly under LD 1626. This bill is opposed by the Chief Executive, who cited the need for clear, unambiguous language and progress to be made in developing an alternative bill that reflects this. The most recent analysis on this bill dedicates a considerable amount of the discussion to the --

The SPEAKER: The Member will defer. The Chair would inform the Member that we cannot speculate as to the actions of the Chief Executive and use the position or likely position or suspected position of the Chief Executive to influence the debate. The Member may proceed.

Representative LIBBY: Testimony submitted on behalf of the Chief Executive and invite anyone in this Body to read said testimony. I am under no illusions that my words will sway any votes in this Body. I do understand the gravity of the issue of sovereignty and I regret that I am unable to support the bill

given the issues I've laid out today and more. More than that, I regret that LD 1626 did not receive the due diligence it deserved, being relegated to a session in which committee work occurred largely over Zoom and lacking the benefits inherent to in-person interaction. A bill of this weight and magnitude should have been worked in person and I have no doubt would've been the better for it. Thank you, Mr. Speaker. I ask that you follow my light and oppose the pending motion.

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

Representative COLLINGS: Thank you, Mr. Speaker. I don't rise a second time to speak further. I did want to just respond to a question from the Good Representative from Milford about potential revenue sharing in this legislation and I do want to say that throughout the country, as in Maine, the federally recognized tribes get federal funding, their counterparts in other states do, too, but in other states tribes do at times get State funding, so that is not something completely unusual or unacceptable. And I did just also want to respond about contiguous land. There are many, many tribes that have noncontiguous landholdings in many states. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Gramlich.

Representative GRAMLICH: Thank you, Mr. Speaker. I will be very brief and I appreciate your indulgence. I am hypersensitive and acutely aware that during this entire afternoon of debate, the only Member of this Body, the Representative from the Passamaquoddy Tribe, has lived experiences relative to this entire topic, particularly the 1980 Settlement Act. Further, Mr. Speaker, I cannot think of better stewards of our environment than our indigenous people, our tribes. This bill is about tribal sovereignty and is long overdue. I can't begin to speak as eloquently as those before me, but I will proudly vote in support of this piece of legislation. 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. 566

YEA - Alley, Arford, Babbidge, Bell, Berry, Blume, Boyle, Brennan, Brooks, Bryant, Caiazzo, 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, Martin T, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Stover, Supica, Sylvester, Madam Speaker, Tepler, Terry, Tucker, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

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

ABSENT - Bernard, Cebra, Costain, Dolloff, Haggan, Head, Lyford, Paulhus, Perkins, Sampson, Sharpe.

Yes, 81; No, 55; Absent, 11; Vacant, 4; Excused, 0.

81 having voted in the affirmative and 55 voted in the negative, 4 vacancies with 11 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1006)** 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-1006)** and sent for concurrence.

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

CONSENT CALENDAR

First Day

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

(S.P. 723) (L.D. 2010) Bill "An Act To Help Maine Residents with High Electricity Costs" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-549)**

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

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

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1010)** on Bill "An Act To Establish a Presumption of Entitlement to Counsel for a Person Who Is the Subject of an Adult Guardianship, Conservatorship or Other Protective Arrangement Proceeding"

(H.P. 354) (L.D. 480)

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

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

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

Signed:
Senator: KEIM of Oxford

Representatives:
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-1010)** Report.

READ.

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

Representative POIRIER of Skowhegan **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 Camden, Representative Poirier.

Representative **POIRIER**: Thank you, Mr. Speaker. Mr. Speaker, LD 480 requires that every person subject to adult guardianship, conservatorship or other protective arrangements, be appointed an attorney. Individuals with disabilities are told time and time again that they have the right to choice in every aspect of their lives, just like you and I. We shouldn't take that choice away from them. The registrars of probate testified to many concerns that they have with this bill. The courts are already struggling with backlogs and understaffing. There aren't enough attorneys and this bill will delay proceedings. The probate courts already have an effective process to assign counsel when needed. A highly qualified visitor meets with the individual usually more than once to evaluate the needs of the person and bring recommendations to the judge. An attorney is appointed when needed or requested and sometimes the judge completes further evaluation to ensure the individual's needs are met. This process is timely and it is working. It's important also to note that the Uniform Law Commission, after years of study, did not recommend this. Lastly, this bill is a mandate on Maine counties. Current process is effective and, most importantly, there's no need to take away a person's right to decide if they want counsel or not. So, I please ask you to join me and oppose the current pending motion.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Cardone.

Representative **CARDONE**: Thank you, Mr. Speaker. I'm a sponsor of LD 480 and I just wanted to add a few remarks to explain the genesis of the bill and the importance of the bill. Guardianship and conservatorship proceedings in the probate courts in Maine have the potential of taking away some or all of our adult legal rights and reducing us to the legal level of children. And in the worst case, this means the loss of liberty fully as profound as that caused by involuntary commitment for treatment of mental illness or incarceration for committing a crime. In all those situations, having legal help is critically important to the defense and preservation of our right to be free and independent adults. That's why our probate code gives judges the discretion to appoint an attorney for indigent people in guardianship or conservatorship cases. The

language in this bill does not; I repeat, does not create a mandate requiring the appointment of counsel in all cases. Rather, it changes the focus of that inquiry. Instead of requiring a judge to have a reason to appoint counsel, it requires the judge to have a reason not to appoint counsel. It presumes that an individual wants legal representation unless the probate judge finds that they are voluntarily and knowingly refusing this assistance. This bill also provides the judge a standard by which a person's refusal must be measured. It is the usual preponderance of the evidence standard used in all of our civil court cases. This means that the judge must be satisfied that the person refusing the appointment of a lawyer is more likely than not making the choice voluntarily and knowingly. If the judge is satisfied with that, that the person is refusing the appointment voluntarily and knowingly, no attorney need be appointed. This inquiry and this law or bill is designed as a minimal effort to identify and to prevent financial exploitation of older adults and physically or cognitively compromised adults in our society. It's our hope that with more adults being provided an attorney under the protections given in this bill that potential issues involving financial exploitation can come to light early and be avoided. I urge you all to support this bill. Thank you, Mr. Speaker.

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

ROLL CALL NO. 567

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, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Stover, Supica, Sylvester, Madam Speaker, Tepler, Terry, Tucker, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

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

ABSENT - Bernard, Cebra, Costain, Dolloff, Haggan, Head, Lyford, Paulhus, Perkins, Sampson, Sharpe.

Yes, 81; No, 55; Absent, 11; Vacant, 4; Excused, 0.

81 having voted in the affirmative and 55 voted in the negative, 4 vacancies with 11 being absent, and accordingly Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1010)** 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-1010)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1009)** on Bill "An Act Regarding Criminal Records"

(H.P. 966) (L.D. 1310)

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
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Representatives:

HAGGAN of Hampden
POIRIER of Skowhegan
THORNE of Carmel

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-1009)** Report.

READ.

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

Representative POIRIER of Skowhegan **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 Skowhegan, Representative Poirier.

Representative **POIRIER**: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, though I appreciate this bill's purpose to seal criminal convictions of certain individuals to open pathways to employment, I am concerned that we're leaving potential employers in the dark. Employers have a right to know the backgrounds of individuals they choose to employ to represent their businesses. Many people convicted of a Class E crime may have actually been charged with a Class C or D crime and pleaded to a lesser charge through the courts. Honesty is the best policy, Mr. Speaker and an employer should be able to know backgrounds if they choose, rather than to find out down the road. So, please join me in opposing the current motion.

Representative HARNETT of Gardiner **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 Cumberland, Representative Moriarty.

Representative **MORIARTY**: Thank you, Mr. Speaker. In our system, the attaining of the age of 18 marks the transition between adolescence and adulthood and we recognize that. I do not intend to make any confessions and I certainly don't intend to make any accusations, but I have heard it said that young adults on occasion commit the same dubious decisions and take the same dubious actions that they did as teens. And I think this, what I'm speaking about, was captured by the poet A.E. Housman when he wrote; but I was one and 20, no use to talk to me. This bill has an interesting history in that it was preceded by a Statute that was in effect from 2015 to 2019. I was not here at the time, it was passed in 2015, became law without the signature of the then-Chief Executive but became law all the same and provided for the sealing of records of those who committed Class E or D crimes during the age frame from 18 to 21. By all accounts, the bill was a success. It was not overutilized and caused no problems with the law enforcement system. However, it contained a sunset clause and by its own term expired in the autumn of 2019. The pending bill essentially seeks to rejuvenate that former successful bill with a couple of changes. First of all, it does not apply to those who commit Class D crimes at all, only to Class E, the least serious classification of crime in the system, however, sexual assaults and so forth are not included. The other major change is it expands the age frame in which one might eventually apply for the sealing of records to the spectrum from 18 to 27. And obtaining sealing is no easy chore. It takes a motion on the part of the affected person and that person must have had an absolutely spotless record for four years following full completion of whatever sentence was imposed for that Class E crime at the time of conviction. So, we've tried this one before, it was successful, it insulates young individuals who may have acted thoughtlessly from penalties that extend well beyond the early adulthood years. Thank you, Mr. Speaker.

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

ROLL CALL NO. 568

YEA - Alley, Arford, Babbidge, Bell, Berry, Blume, Boyle, Brennan, Brooks, Bryant, Caiazza, Cardone, Cloutier, Collamore, Collings, Copeland, Corey, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Faulkingham, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hutchins, Hymanson, Kessler, Landry, LaRochelle, Libby, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCreia, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, Newman, O'Connell, O'Neil, Osher, Pebworth, Perry A, Perry J, Pickett, Pierce, 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, Arata, Austin, Bickford, Blier, Bradstreet, Carlow, Carmichael, Connor, Dillingham, Downes, Drinkwater, Ducharme, Foster, Gifford, Greenwood, Griffin, Grignon, Hall, Hanley, Harrington, Javner, Kinney, Lemelin, Lyman, Martin, Mason, Millett, Morris, Nadeau, O'Connor, Ordway, Parry, Poirier, Prescott, Quint, Roche, Rudnicki, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Bernard, Cebra, Costain, Dolloff, Haggan, Head, Lyford, Paulhus, Perkins, Sampson, Sharpe.

Yes, 88; No, 48; Absent, 11; Vacant, 4; Excused, 0.

88 having voted in the affirmative and 48 voted in the negative, 4 vacancies with 11 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1009)** 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-1009)** and sent for concurrence.

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

**ENACTORS
Act**

An Act To Implement Recommendations Regarding the Incorporation of Equity Considerations in Regulatory Decision Making

(H.P. 1500) (L.D. 2018)
(C. "A" H-999)

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

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

**SENATE PAPERS
Non-Concurrent Matter**

Bill "An Act To Enhance the Energy Security of Maine Residents"

(H.P. 509) (L.D. 697)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-935) AS AMENDED BY HOUSE AMENDMENT "A" (H-1001) thereto in the House on April 13, 2022.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Prohibit the Contamination of Clean Soils with So-called Forever Chemicals"

(H.P. 1417) (L.D. 1911)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-958) in the House on April 11, 2022.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-958) AS AMENDED BY SENATE AMENDMENT "B" (S-553)** thereto in **NON-CONCURRENCE**.

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

**ENACTORS
Emergency Measure**

Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services

(H.P. 1433) (L.D. 1926)
(C. "A" H-1002)

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. 113 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.

Emergency Measure

Resolve, To Establish the Committee To Study Court-ordered Treatment for Substance Use Disorder

(H.P. 1496) (L.D. 2008)
(C. "A" H-1003)

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. 119 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.

Acts

An Act To Make Certain Civil Court Records Accessible by the Public Only at the Courthouse

(H.P. 669) (L.D. 913)
(H. "A" H-996 to C. "A" H-905)

An Act To Ensure Safe Entry and Access for People Seeking Health Care and Other Constitutional Rights

(H.P. 1406) (L.D. 1899)
(C. "A" H-1004)

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

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

**REPORTS OF COMMITTEE
Divided Reports**

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Create a Right to Privacy

(H.P. 1133) (L.D. 1529)

Signed:
Senators:

KEIM of Oxford
SANBORN of Cumberland

Representatives:

HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
SHEEHAN of Biddeford

THORNE of Carmel

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1011)** on same RESOLUTION.

Signed:

Senator:

CARNEY of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (H-1011)** Report.

READ.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1012)** on Bill "An Act To Review State Lands and Waterways That Have Sacred, Traditional or Other Significance to the Wabanaki Tribes" (EMERGENCY) (H.P. 1413) (L.D. 1907)

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

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

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

Signed:

Senator:

KEIM of Oxford

Representatives:

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-1012)** Report.

READ.

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

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

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-1014)** on Bill "An Act To Increase Funding to Qualifying Municipalities by Sharing Adult Use Marijuana Sales and Excise Tax Revenue" (H.P. 873) (L.D. 1195)

Signed:

Senators:

CHIPMAN of Cumberland
LIBBY of Androscoggin

Representatives:

TERRY of Gorham
BICKFORD of Auburn
COLLINGS of Portland
GRAMLICH of Old Orchard Beach
MATLACK of St. George
PERRY of Bangor
SACHS of Freeport

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

Signed:

Representatives:

CARMICHAEL of Greenbush
HANLEY of Pittston
STETKIS of Canaan

READ.

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

The Bill was **READ ONCE. Committee Amendment "B" (H-1014)** was **READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-1014)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1015)** on Bill "An Act Regarding Taxation of Energy Storage Facilities and Equipment" (H.P. 1512) (L.D. 2030)

Signed:

Senators:

LIBBY of Androscoggin
POULIOT of Kennebec

Representatives:

TERRY of Gorham
BICKFORD of Auburn
HANLEY of Pittston
MATLACK of St. George
PERRY of Bangor

STETKIS of Canaan

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-1016)** on same Bill.

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

CARMICHAEL of Greenbush

COLLINGS of Portland

GRAMLICH of Old Orchard Beach

SACHS of Freeport

READ.

Representative TERRY of Gorham 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**: 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. 569

YEA - Alley, Arford, Bickford, Blume, Boyle, Brennan, Brooks, Bryant, Caiazza, Cardone, Cloutier, Collings, Craven, Crockett, Cuddy, Dodge, Doudera, Drinkwater, Dunphy, Evans, Fay, Gere, Hasenfus, Hepler, Hymanson, Kessler, Landry, LaRochelle, Madigan, Martin J, Martin R, Mason, Matlack, McCrea, McCreight, McDonald, Millett, Morales, Perry, Reckitt, Rielly, Roberts, Roeder, Salisbury, Sheehan, Stover, Sylvester, Madam Speaker, Terry, Tucker, Warren, White, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Arata, Austin, Babbidge, Berry, Blier, Bradstreet, Carmichael, Collamore, Connor, Copeland, Corey, Crafts, Dillingham, Downes, Ducharme, Faulkingham, Foster, Geiger, Gifford, Gramlich, Greenwood, Griffin, Grohoski, Hall, Hanley, Harnett, Harrington, Hutchins, Javner, Kinney, Lemelin, Libby, Lookner, Lyman, Martin, Mathieson, Melaragno, Moriarty, Morris, Nadeau, Newman, O'Connell, O'Connor, O'Neil, Ordway, Osher, Parry, Pebworth, Perkins, Pickett, Pluecker, Poirier, Quint, Riseman, Roche, Rudnicki, Sachs, Skolfield, Stanley, Stearns, Stetkis, Supica, Tepler, Theriault, Thorne, Tuell, Wadsworth, Warren, White, Williams.

ABSENT - Bell, Bernard, Carlow, Cebra, Costain, Dolloff, Evangelos, Grignon, Haggan, Head, Lyford, Meyer, Millett, Paulhus, Perry, Pierce, Prescott, Sampson, Sharpe, Underwood.

Yes, 56; No, 71; Absent, 20; Vacant, 4; Excused, 0.

56 having voted in the affirmative and 71 voted in the negative, 4 vacancies with 20 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. **Committee Amendment "B" (H-1016)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-1016)** and sent for concurrence.

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

ENACTORS

Resolve

Resolve, To Help Certain Businesses with Electricity Costs

(S.P. 723) (L.D. 2010)

(C. "A" S-549)

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

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

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 - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-977)** - Minority (5) **Ought to Pass as Amended by Committee Amendment "B" (H-978)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Reclassify Certain Offenses under the Inland Fisheries and Wildlife Laws and Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System"

(H.P. 1193) (L.D. 1604)

TABLED - April 11, 2022 (Till Later Today) by Representative WARREN of Hallowell.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-977)** 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-977)** and sent for concurrence.

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

Representative DUNPHY of Old Town assumed the Chair.

The House was called to order by the Speaker Pro Tem.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1013)** on Bill "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" (EMERGENCY)

(H.P. 1489) (L.D. 2003)

Signed:

Senators:

DAUGHTRY of Cumberland
HICKMAN of Kennebec

Representatives:

SYLVESTER of Portland
CUDDY of Winterport
GERE of Kennebunkport
PEBWORTH of Blue Hill
ROEDER of Bangor
WARREN of Scarborough

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

BRADSTREET of Vassalboro
DRINKWATER of Milford
MORRIS of Turner
PRESCOTT of Waterboro

READ.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from South Portland, Representative Morales.

Representative **MORALES**: Thank you, Madam Speaker Pro Tem, Friends and Colleagues in the House. This bill, from my perspective, is one of the most important bills that we can address in the 130th Legislature. Maine is in a tremendous housing crisis and we have been in one for quite some time. I am the chair of the housing caucus and the homelessness caucus here in this Body. We've been convening for the past two years nearly every week to meet with community members, experts in our community in every region and every part of the State of Maine. We've been meeting with municipalities, we've been meeting with community providers, we've been meeting with people who experience homelessness and housing insecurities, nonprofits who work to provide support for people experiencing this crisis. We've been meeting with planners and experts who have solutions to this problem. When you are in the situation that we are in today, with 58% of Maine people unable to afford a median-priced apartment or home to purchase; 58%. That is the crisis we are in. Now this particular policy is tied with one other policy. And the reason why they are tied is because they go together. We cannot get out of this crisis if we don't build and create more housing that people can afford at every income level, including affordable housing. We just cannot. The reason why we cannot build the units that we need to build today is because we are prohibited by local ordinances

throughout the State of Maine. There are hundreds of regulations in nearly 200 municipalities and they're all different and they require builders to hire attorneys and homeowners to hire attorneys and engineers and staff to figure out how to work through these various municipal regulations. Many of these have been in place for many years and what they have done is prohibit the development of housing. And we see that in the data, when we look at how many housing units our State has built over the past ten years, it's drastically below the levels we need to be building. And the truth is that we can put millions of dollars into building housing and we won't be able to actually find land that would allow that housing legally to be built in the State of Maine today because of all these regulations. So, that's why these two policies have to go together if we are going to solve this crisis.

This bill does a few things. What I really love about this bill is it gives property owners the rights to use their properties, for example, to create an in-law apartment or add an attached dwelling unit to care for their aging parents which I have done and I greatly appreciate being able to do that, or to rent out an apartment or a dwelling unit to supplement their income. We know that our property owners today are suffering. Their expenses are very high. This is allowed under this bill as long as it complies with local setbacks, sewer and water and shoreland zoning regulations. Now, there are some who may disagree with what I am about to say right now, but giving people the power to have more control over their land is what I call true local control. This bill will also provide very important incentives to builders of affordable multi-units in areas chosen by towns and cities because of their potential for growth. The towns have the ability to make those choices through their democratic process. And what this will do, it will mitigate the tremendous cost to build units, to hire employees to build those units, to purchase that land, all of the cost that goes into building units makes it such that rents are high today. If we provide incentives such as density bonuses, these unit prices for rental units and for purchasing units will come down. And what this bill does, which is so incredible, is that it gives our municipalities the tools and the resources they need to do that planning on their own locally through their due process with their town members and the experts that they seek assistance from in a way that meets their individual needs.

Now, I just want to speak briefly about the process that this bill has gone through. It has brought nearly every stakeholder in Maine together on this issue for over a year and I mean nearly every stakeholder. Those working in housing and homelessness, those building housing, municipalities, planners, realtors, the chambers of commerce, employers. We had our own economic recovery committee report identify that housing is the main issue that Maine employees need to address. We cannot attract employees from out of State because they can't find a place to live. Maine employers who have employees who are housing insecure, that puts a great strain on that business as well as that employee. This housing crisis is not only in Maine. It is everywhere. But for Maine, it is the social and economic issue that we have no choice but to address right now. Because if we do not, if we do nothing here, the housing crisis will continue to negatively impact our schools. You can imagine how difficult it is to learn if you are a child who is housing insecure. You can imagine how difficult it is to teach a group of students when children are housing insecure and they don't know if they'll have a home next week. If we do not pass this policy, it will continue to negatively impact our workers and our employees, as I discussed. We have a vacancy rate in Maine of less than 1%. There is simply

no place to live. If we do nothing, this housing crisis will continue to cripple our child welfare system, our criminal justice system, our homelessness systems, our health care systems. All of the people who are caught up in these systems, the vast majority are also experiencing housing insecurity. So, for all of those reasons, I ask that this Body support this policy. Thank you very much.

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

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Vassalboro, Representative Bradstreet.

Representative **BRADSTREET**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I do rise in opposition to the pending motion. First of all, I would like to thank the Speaker, the sponsor of this bill, for all the work that he's put into it. It's had several renditions, as the Good Representative from Portland has pointed out and that process kind of reminds me of the proverbial fledgling carpenter who was trying to learn how to build for the first time and he's having problems and he said you know, I cut this board three times and it's still too short. And I think that's the problem we have with this bill here. Any state-mandated actions, they do leave issues in their wake that have to be dealt with at the local level and that's what LD 2003 will do. Even with a substantially trimmed down bill, there is tremendous legitimate concerns as to how its enactment could affect many communities, especially those of medium size. They're worried that the efforts they've put in over the years that have helped to create and sustain attractive, inviting neighborhoods will be subverted by the enactment of LD 2003. Now, there were some murmuring that the opposition to this bill was largely due to efforts of certain people to put out opposition demands towards the Representatives, but you know and I'm sure there was some of that, but there are also a lot of well-informed legitimate opposition to the bill that came to our committee. I'd like to point out that communities can already adopt some of these proposals that are in the bill. There's nothing to prevent them from doing so. Even Maine Municipal Association suggests that a better route to follow in encouraging the construction of affordable housing would be to develop model ordinances that towns could adopt, working in conjunction with any number of State agencies. I think that's a preferable way to go.

Regarding private property rights, yes, I understand that individuals should have the right to use their property in a way that they choose, but we should remember that there are other aspects of private property rights as well that come into play here and such is that of a homeowner relying on local ordinances that have been developed locally over the years which will help them protect their investments. Mandates from on high will no doubt jeopardize those efforts and could undermine the quality of neighborhoods that people have worked so hard to protect. It is primarily for these reasons that I urge you to join me in voting against the bill. There are better and more comprehensive ways to achieve our goals of affordable housing. Thank you, Madam Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Rockland, Representative Geiger.

Representative **GEIGER**: Thank you, Madam Speaker. I rise in support of the pending motion. I served for two terms on my city council in Rockland. I attempted to pass parts of this legislation throughout my time on city council. It is only this year, seven years later, that the crisis my fellow councilors

and I saw coming is now seen by everyone in my community. Our rental vacancy rate is zero, our median house price has increased this year alone by 32%, 20% the year prior. We recently lost a newly-hired police chief when he was unable to find affordable housing. Our beloved assistant director of our library has just lost her apartment when the house was sold out from under her. She cannot find another rental and is going to be leaving our community. Our local hospital CEO has said that unless a physician has owned a house in another state, he will not be accepting a position at our local hospital because he will not be able to find affordable housing. Many nurses fail to work their first day because they rescind their contract due to a lack of affordable housing or any housing at all. Certified nursing assistants are impossible to hire unless they already have family in the area. Those that are working at the hospital are often couch surfing with friends and relatives. Jobs are going begging. The Chamber of Commerce is part of a new formation of a housing trust in our community in an attempt to get a workforce. A recent conversation with the manager of a local construction company told me they don't know what to do. They have millions of dollars of work lined up, they cannot find employees at any price. At one point he said to me my company will do anything. If they city wants to build housing, we'll dig the trenches and put in the sewer pipes and the water for nothing. We have to do something. If you don't have a labor and housing shortage in your community yet, you soon will. Maine faces a very bleak future without LD 2003. Elders are unable to remain in their community because there is nowhere to go if they need to downsize. Our children cannot return here because there are no apartments to rent and no houses to buy. Our employers can't find workers. Local municipalities are stuck. It's really hard for them. They have to represent the people who live in their community now and there is always a very vocal minority who just don't want change. And this is why it falls to this Body to look to Maine's future, to look to our workforce needs, to look to our housing needs and take this out of local hands. Please join me in saving our State's future, in bringing young people back here, in allowing our elderly to move to downsize as they need to yet stay in their beloved community. Join me in support of LD 2003.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Paris, Representative Andrews.

Representative **ANDREWS**: Thank you, Madam Speaker. There are many reasons why this bill should not pass the House today, the largest of which is that this bill seeks to usurp local control and autonomy. LD 2003 takes that longstanding liberty and gives it to the unelected central planners and the federal government. You can strip away everything else in LD 2003 and put them in standalone bills, some of which I would probably vote for, to deregulate zoning and land use. After you strip everything away, the one thing that is left, the one thing that is refused to be negotiated upon was the implementation of federal standards from the Department of Housing and Urban Development. Standards that force affirmatively furthering fair housing standards into the State whether communities want them or not. LD 2003 hands the baseball bat to the federal government with which they will beat Maine towns into submission. Beat them until they meet density standards that will overload their water and sewage infrastructure. Beat them until they increase population density until local police forces and fire departments are forced to grow on the taxpayer's dime. Overload their school infrastructure with more students and increase the cost of education on local taxpayers until some families will be forced to move or

downgrade their living conditions. This bill will destroy Maine's suburbs and rural charm. The American ideal of a single-family home in a nice neighborhood with a green lawn and good schools will be smashed to make way for the so-called progress of the forced expansion of population density and federal standards that will overwhelm our public services and schools. I can't vote for a bill that would permanently scar the face of our beloved and beautiful Maine.

Giving away local control to the federal government is hidden in a bill that is full of big ideas. Some good, some bad, but so many ideas you can miss the lead because it's buried so deep. That's what's really going on with this bill at its core. It's about using a force of the federal government to determine outcomes in local Maine communities. Outcomes that will be decided by the radical and privileged few in Washington DC. This bill imposes fixes that are top-down and one-size-fits-all. That is not what we need and that is not what is Maine. We must vote this bill down tonight. What's good for South Portland is not always good for South Paris. Taking away local control and leadership by locally elected citizens is a radical idea and antithetical to everything that makes Maine so unique in her local control ethos and character. In Paris, we do not have zoning. We do not want federal zoning requirements forced upon us in our town. I guarantee you that we are not the only municipality that feels this way. We must vote this bill down. The central planners want to take over our longstanding home rule and give it away to their cronies in DC. They want to consolidate power and jurisdiction from our towns and communities. We get a chance to stop this takeover in its tracks just moments from now. We must vote down this bill. In closing, I've heard the term private property invoked in defense of this bill. Private property is the cornerstone of western civilization. Any rational actor would agree on that. Centralizing power into the federal bureaucracy over local control to empower our most powerful politicians and their appointed proxies to rule over our towns is the last thing that we need in the State of Maine. Citing private property as the reason for this bill is not an accurate portrayal of what is really going on with this piece of legislation. It is yet another distraction from the Department of Housing and Urban Development taking over a town near you. Towns and communities are made up of individual citizens, many of whom own property, who agree on a social compact to live together as a community. They consent to a form of local government and to elect local leaders to run that local government. Towns run on the quintessential New England style town meeting and on local votes by selectboards and planning boards in between town meetings every year. This bill takes a bulldozer to that structure of community, connectedness and self-determination. It is antithetical to everything that makes us Mainers and proud New Englanders. That is why we must vote down this bill in this chamber. Please follow my light and I thank you for the time, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kennebunkport, Representative Gere.

Representative **GERE**: Thank you, Madam Speaker. Madam Speaker and Esteemed Colleagues, I see a big part of our job here in this Body is to help regular people. Working people, town employees, public safety workers, health care workers, small business owners, teachers, people who work in the hospitality industry and fuel so much of our economy all over the State. And young people who are working to get a foothold in their first jobs and hopefully in their first places to live on their own. All of these folks are the people that are being squeezed out of our communities. Madam Speaker, we

have shared many, many stories here about the challenges that people have faced in our communities and I will lay a bet that everyone in this room today can share their own stories of a family member or a grandchildren or grandchildren who can't return to Maine because they can't find a place to live that they can afford or a friend who had to move out of their rented house when the owner sold it and they can't find a place to live or an older person whose spouse has passed away and they cannot keep up their large house anymore and they would really love to downsize and stay in the community and they can't find a place they can afford so they end up moving away. We've heard many stories today of business owners who can't find workers because potential employees can't afford to live nearby. Just last week in our community, a constituent of mine posted on our local Facebook page that she owned a home on a 3-acre lot and would love to be able to build a unit on that lot for her daughter and her daughter's family to come to live and she cannot do it because of local zoning requirements. The thread responding to that post went on for more than 250 comments of people commiserating and sharing similar stories. It is a constant problem facing so many people. This is what's happening across Maine and the problem is only expanding. In this kind of a situation, the decision to do nothing is a decision. The decision to do nothing is a decision. By doing nothing, we would just be letting the problem get worse and worse, making it harder and harder for our friends and neighbors to stay here and hampering our shared efforts to grow and develop the Maine economy. LD 2003 is a good, commonsense first step in helping us address the housing crisis in our very own backyards and communities. LD 2003 enhances individual property rights. In the case of my constituent, she was prevented from doing something on the property that she already owns and LD 2003 would help her to get over that.

The provisions of LD 2003, it's very important to note, do it in a way that meets communities where they are. The technical assistance and grant funding provided in 2003 is actually designed to do just what the Good Representative from Vassalboro suggests. For communities that want to adapt their ordinances, they will get the technical assistance to help them do so and it's a big challenge, those are not small ordinances and problems to get through. It also gives power to property owners who want to add an ADU or another unit to their property and it helps towns to apply smart development principles to help them identify where they want to have some growth and making it easier for them to do so. Madam Speaker, as you know and certainly that Speaker Fecteau, the Good Representative from Biddeford knows, we worked the heck out of this bill in committee. We heard hours and hours of public testimony. The team working this bill spent hours listening to stakeholders' concerns, responding and improving the bill. In every part of the bill and I'll say these three things, I want to say them very clearly; dimensional requirements and setbacks for properties apply, water and sewer capacity applies, shoreland zoning applies. We are not getting rid of the key things that are important to how our communities define themselves. Planners who are in the trenches joined in suggesting changes and are on board with the provisions that they had input into. They are the experts in making housing work on the ground and their input has been very valuable and I trust them in the input that they gave. LD 2003 is a great start to helping us address the housing crisis and I urge this Body to vote in favor of the Ought to Pass as Amended motion. Thank you.

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

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, do I wish I had the testimony from the other side a couple weeks ago. I had a bill that did a little bit similar to this, not quite the same, but let me stay on fact. Homelessness is on the rise, as you've heard. As I pointed out in other testimony, K-12 education in the last 20 years is down in the State by 8400 students. Businesses throughout the State can't find employees. Seniors are forced into senior housing. They're forced into two-year wait times to get into senior housing. This bill will help alleviate a lot of that. With K-12 education, 8400 students were lost, no school budget decreased over that time. So, I would dare say that we could increase K-12 students in the State of Maine and those numbers include pre-K which we didn't have 20 years ago, I would dare say that we could have 8400 more students in schools without increasing K-12 education. If we want to attract business into Maine, where are they going to find their employees? Are they going to recruit from out of state? And if they do, are those people supposed to live in their cars? Their automobiles? Think about that. With seniors, if seniors have land addressed in this bill, they would have the ability to build themselves a ranch if they can't do stairs, if they're senior citizens, if they're disabled, they would be able to do that. That would remove them from a two-year waitlist in senior housing, Madam Speaker. The budget in the last 12 years, I'm sorry, in the last 20 years has increased the same amount as the entire budget increased from 1820 to the year 2000. That's 180 years of this State having a budget, it has doubled. We have 1.3 million people in this State. If we want to keep 1.3 million people in this State, we cannot continue to raise the budget by nearly a billion dollars every biennium, I should say. It can't happen. We're going to be forcing people out of the State of Maine or into homelessness. What costs more? Does it cost more for homelessness or does it cost more for trash pickup and snowplowing on these roads that already happens? The trash truck already goes down these roads, the snowplow already has to plow this area. The school bus already goes by. Madam Speaker, I'm not a fan of kicking granny to the curb, at all. We need employees in the State of Maine and we need to grow business. That's where our revenue comes from. If we intend to continue to cut the budget in the future, maybe we can stay with 1.3 million people in the State. Since I've been here in Augusta over 12 years, I have not seen our population move more than from 1.2 million to 1.3. Not a very good thing to brag about. Madam Speaker, I want to encourage people to follow my light and vote in favor of this bill. It may have some issues but overall I think it's a very good version of what the original bill was and I'm definitely going to support it and I promise not to speak three times.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Freeport, Representative Sachs.

Representative **SACHS**: Thank you, Madam Speaker and I am delighted to say that I support the motion of my Good Friend from Auburn, rare as it may be.

I wanted to note, Madam Speaker, that my community is in the midst of a very intensive planning process, you may have heard about the downtown visioning process of Freeport, and so it was with some concern that I looked at LD 2003. Because my community has done an enormous amount of work to integrate affordable housing, smart growth techniques and really were quite concerned about the impact that LD 2003 might have on that. Imagine, as someone who has six years of municipal experience including being the chair of my town

council, the work that goes into ordinances and zoning and planning, I know quite well and can appreciate for municipalities across the State what the means for them as they try and figure out for their communities what works best for them. So, we really looked at this bill. I brought it to my councilor, Speaker Fecteau was kind enough to provide some information about it as well, or the Good Representative from Biddeford and I really want to emphasize a few points about what I feel are the real value of this bill. Building on local municipal ordinances is a key feature of this bill. We were relieved to find, actually, that Freeport has been ahead and integrating many of these provisions already. Duplexes as a minimum standard, ADUs allowed everywhere, we already do these things and it has not been detrimental, in fact, it's quite beneficial for our town. I also would really like to say that the sensible measures of allowing property owners to do with what they would like with their property around ADUs is one of the reasons that Freeport has done so. That tenant of local control which I've spoken about on this floor before is very, very important. So, we really like that part of the bill as well. And, finally, Madam Speaker, as I spoke to a bill earlier this week around the technical assistance that municipalities need to successfully do this work is a wonderful part of this bill. Whether it's planning, comprehensive planning, looking at their ordinances, having that technical assistance sustained over several years is incredibly important and helpful to the municipalities of any size in this State. So, I fully support the motion before us and hope you'll follow my light. Thank you so much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Camden, Representative Doudera.

Representative **DOUDERA**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I stand before you today in support of LD 2003. I've been involved in helping to create affordable housing in Maine for the past 15 years. I've picked up a hammer and I've built homes along with other volunteers in Thomaston, Rockland, Camden, Union and Warren. Affordable housing is not just something on paper for me. It's something I'm willing to work at and risk blisters for. It's really painful to see that despite all the efforts over the years, the lack of affordable housing in Maine is more serious than ever. Not only that, we now have the growing problem of what I call attainable housing. I see this every day in my job as a realtor. Just last week, I visited an older couple who need to move from their home because the wife, Suzanne, has fallen down the stairs twice. But they can't find a home to purchase in our area or in the surrounding towns. They can't find a rental to move into. They are stuck living on the first floor of their home in a tiny room until senior housing or something else opens up. I met a classmate of my daughter's at our local sporting goods store, Maine Sport, when I was purchasing some hiking poles. He's in his late-20s and he loves his job selling outdoor gear and guiding kayak trips and he loves being back in Maine. But he can't find a place to live and he can't couch surf with his friends any longer. These are the folks that are the missing middle; the first-time homebuyers, the downsizing older folks, the new family of modest means coming here to take a job at the hospital or elementary school. They don't necessarily need affordable housing but they do need attainable housing. They need moderately-priced homes and they're just not out there. Trust me or ask any of the other realtors who are here in this Body.

In addition to helping everyday Mainers like all the stories we've heard today; this bill will help our small businesses. As you remember, we welcomed a small business owner from my

district here yesterday. These folks are struggling to hire people because their employees cannot find housing. The president of Camden National Bank participated in a housing forum I held last year and his bank, one of our area's biggest employers, maybe one of our State's biggest employers, desperately needs places for their tellers, processors and executives to live. Lack of housing is preventing our State's economic growth. But this bill is a holistic approach to the problem and it's not the first time that this Body has taken a statewide approach to helping local communities with a growing problem. Back in 1971, we enacted another holistic bill, shoreland zoning. I'm sure that many of the arguments we are hearing today in this chamber were the same arguments heard 50 years ago when shoreland zoning was proposed. But we did something. We used a statewide approach to take up a bill to protect water quality, wildlife habitat, wetlands, archaeological sites and historic resources, commercial fishing and maritime industries. We did this by passing a bill that controls land use and I believe that today we're all glad that those laws are in place. This bill suggests sound policies to address our housing shortage. The Labor and Housing Committee and the sponsor have done an amazing job amending it to address concerns raised by our municipalities and it has the support of environmental groups, the Maine Chamber of Commerce, my own realtor group, the Maine Peoples Alliance and many, many others. I want to close with a quote from the founder of Habitat for Humanity and, contrary to what many people think, that is not President Jimmy Carter. Millard Fuller co-founded Habitat for Humanity with his wife, Linda and he said; everyone, all of us, every last person on God's earth deserves decent shelter. It speaks to the most basic of human needs, our home, the soil from which all of us, every last person, either blossom or wither. We each have need of food, clothing, education, medical care and companionship, but first we must have a place to live and grow. Madam Speaker, let us pass a bill today that will create places for all Mainers to live and grow. Thank you.

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

Representative **LOOKNER**: Thank you, Madam Speaker Pro Tem. When my father moved to Maine to become a dairy farmer in the 1970s one of the things that drew him here was the State's abundance of land and its rural character. He later opened a restaurant and was elected to the selectboard of a small town. And while serving in that position, he was concerned both with preserving the town's quintessential Maine character which brought in the tourists and with providing affordable housing for the workers in the restaurants and the hotels of the town who served those same tourists. With this bill before us, we can both preserve our State's character and create affordable housing. I've since left that town and seen firsthand how young people in our State are struggling. For generations, a young person in America's ticket to the middle class and building equity for the future has been home ownership. In our State today, that dream is increasingly out of reach for too many of our State's youth. If we are to preserve our State's character for the future and revitalize our working communities, we need to increase the availability of affordable workforce housing. It's not only home ownership that is dwindling among our State's young people, but the accessibility of housing, period. Rents have increased drastically for the last decade and it is now at crisis levels. This is forcing young people to leave the State for places with higher-paying jobs and more affordable housing. I don't think there is any parent in this State who wants their children to

eventually grow up and be forced to leave the tightknit communities for which our State is known. It is not only young people who are hit hard by this housing crisis but people of retirement age as well. I've met folks in their 60s who have been rendered homeless by increasing rents and lack of housing elsewhere. We are a humane State and we need to guarantee our seniors can age in their homes here in dignity. LD 2003 provides opportunities for that to happen.

We hear a lot in this Body about the connection between homelessness and incarceration and how our jails and prisons are overflowing with people experiencing homelessness. Jail should not be the de facto homeless shelters in our State. I would go so far as to say that homeless shelters should not be the de facto housing in our State for people who cannot afford the rent. Housing should be the de facto housing in our State for all. Let's keep people out of jail and provide opportunities for our housing in our State by passing this bill. For people who have succeeded in our State and attained the dream of homeownership, congratulations, but please don't pull up the ladder behind you. With LD 2003, we are leaving a ladder to climb to success for working people of all ages in Maine, so, please join me in supporting the motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Pittston, Representative Hanley.

Representative **HANLEY**: Thank you, Madam Speaker. A question through the Chair, if I may?

The SPEAKER PRO TEM: The Member may proceed.

Representative **HANLEY**: Thank you, Madam Speaker. Is there any law on the books in the State of Maine that would prevent any city or town from enacting any provision of this bill?

The SPEAKER PRO TEM: The Representative from Pittston, Representative Hanley, has posed a question through the Chair to anyone who wishes to answer it. The Chair recognizes the Representative from Biddeford, Speaker Fecteau.

Representative **PECTEAU**: No.

The SPEAKER PRO TEM: The Chair recognizes the Representative from New Gloucester, Representative Arata.

Representative **ARATA**: Thank you, Madam Speaker. Madam Speaker and Ladies and Gentlemen of the House, I rise in support of this motion. The housing market is like all markets and it's subject to the law of supply and demand. And for a long time, government overregulation has distorted the housing market. This bill includes a free market solution to housing shortages and promotes individual property rights. It used to be that a hardworking person of modest means could notice a demand for housing and then easily construct a small, multifamily property to meet that demand and perhaps live in it himself. Overly-strict zoning ordinances has put an end to that and now we've become dependent on large corporations to supply most housing. We've become dependent on elites to control the markets rather than the powerful invisible hand of the free market. Large corporations have the money to hire lawyers to work through the labyrinth of complex zoning regulations to get what they want. They know how to use the tax incentives that benefit the wealthy. And I don't blame them for this because right now it's the most efficient way we have to get more housing built. However, this bill evens the playing field. It will allow regular hardworking people to build two to four units of housing, depending on their zone, on their own private property subject to commonsense regulations to preserve the quality of life in their neighborhoods. It will help people like the widow I spoke to recently who thanked me for this bill because it will allow her to have an accessory unit built

on her own property so she can make some rental income to help her as she ages. By giving landowners more rights to build on their own property, we can allow the supply of housing to rise to meet demand without using taxpayer dollars and thereby lower the cost of housing for everybody. And, finally, Madam Speaker, I must point out that even in this divisive political climate, it's possible for people to disagree on a bill and still love each other very much. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Madam Speaker. As a Republican, I believe the best form of government is that that is closest to the people. Not one elected representative in this chamber has the right to override the will of the peoples' duly-elected planning boards in my district. Not even me, their representative. I cannot support this legislation since parts of it clearly violates the idea of local control and home rule. As a 40-year residential contractor, this bill does nothing to address the real housing problems in rural Maine. Those problems are mostly the extreme added costs that are created by mandates and regulations created right here in this Body. Thank you and please vote no.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Woolwich, Representative Hepler.

Representative **HEPLER**: Thank you, Madam Speaker. I hadn't intended to speak, I just want to say that I went to bed fretting about this bill, I woke up fretting about this bill and was still opposed to it as of this morning. What I did was I started writing down what I liked about it, what has been resolved about it. I was someone who spoke neither for nor against but was really against it at the public hearing. I have since talked with a number of people in the towns I represent, all of which have private water and private septic systems. And I have sat through the work sessions, I'm not a member of the committee, I talked to a lot of people, I read a lot of ordinances and this bill is not perfect where it landed but it's good enough for a start and I plan to keep working on it and making it as successful as I can. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I've heard a lot of great speeches here tonight, but I guess my issue becomes, this bill passes, almost everybody that spoke has talked about affordable housing. The Good Representative from Kennebunk spoke, the Good Representative from Camden spoke, the Good Representative from Freeport spoke, several other people. If we build hundreds of houses in any of those communities, none of them are going to be affordable. If you want affordable housing, we need to look in the mirror. We pass regulations and cost onto business and cost onto communities every day in this building. That's why we don't have affordable housing. You can't keep driving up the cost on every single business, person, group in the State and expect to have affordable housing. Madam Chair, may I ask a question through the Chair?

The SPEAKER PRO TEM: The Member may proceed.

Representative **PARRY**: Can somebody answer for me what is affordable housing? What is the rent that is affordable that we're talking about and what is the cost of a house that we're talking about? Because in most of these communities, I'm sure it's a lot lower than you could ever find a house, no matter how many we build. Thank you.

The SPEAKER PRO TEM: The Representative from Arundel, Representative Parry, has posed a question through the Chair to anyone who wishes to answer it. The Chair recognizes the Representative from Biddeford, Speaker Fecteau.

Representative **FECTEAU**: Thank you, Madam Speaker. Thank you to my good friend from Arundel for his question. I would argue that he has not heard the best speech yet, that's yet to come. With that being said, the affordability definition is defined within the bill under the density bonus section for the density bonus that is prescribed in the bill. As far as affordability, I think the point that ought to be made is that we have a supply and demand issue and it's not just about making sure that we have federally or state-subsidized housing, whether that be for low-income seniors or for workers. What we need is housing of all kinds because we have people who can't afford \$300-400,000 homes that are mostly on the market right now in a lot of parts of our State, who are stuck in rental units because they can't successfully make a bid on a home in this market. We need housing that spans the spectrum of costs to make sure that it meets the needs of people wherever they are in life. And so, affordability as defined in the bill for a specific section is defined but affordability is really about where someone is in their life and at what point they can afford the kind of housing that's on the market. The problem right now is we don't have enough housing supply and the demand for what is there is overwhelming, driving up cost and making houses that were once affordable, rental units that were once affordable totally out of reach for so many of our neighbors and prospective neighbors. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Pittsfield, Representative Collamore.

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

The SPEAKER PRO TEM: The Member may proceed.

Representative **COLLAMORE**: Thank you. I'm curious does this bill force municipalities to follow this ordinance change, this zoning change, or does it allow them to opt in and make it easier? Thank you.

The SPEAKER PRO TEM: The Representative from Pittsfield, Representative Collamore, has posed a question through the Chair to anyone who wishes to answer it. The Chair recognizes the Representative from Biddeford, Speaker Fecteau.

Representative **FECTEAU**: Thank you, Madam Speaker. There is an allowance created in the bill. So, yes, it's telling towns that this is allowed, this must be allowed, but it relies on local ordinances, as mentioned by many of my colleagues already, whether it be setback requirements, dimensional requirements, minimum lot size requirements, if you have an enhanced shoreland zoning ordinance beyond what the State law says; and many, many other provisions of local rules, those still apply. So, whether or not the allowance allowed in this bill can be realized, it's totally dependent upon the rules of your municipality and on some lots, what's allowed in this bill may come to realization, it may work and some lots, it may not. It all depends on whether or not the project that's proposed on the lot it's being proposed on and the municipality that it will be built in, whether or not the rules will allow it to be so. So, yes, it is creating an allowance that must be followed in terms of yes, this is allowed, but it is totally and absolutely depending upon the rules of a local municipality.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gorham, Representative Boyle.

Representative **BOYLE**: Thank you, Madam Speaker Pro Tem, Ladies and Gentlemen of the House. I'm rising to speak in support of the bill. As a business owner, I've owned multiple businesses through my adult life and one of the things I've done is I've done a number of subdivisions myself and I've assisted others in doing subdivisions and I also help people with land use regulation and all kind of wetland, vernal pools, all that kind of thing, as my businesses have done over the years. So, I'm rising really to focus in on the business benefits to a developer of this bill, of financial benefits. So, if you take an example of well, I'm building a house on speculation in a small town in Southern Maine right now, it's a single-family and I'm going to rent it out. If this bill had been in place, I might likely and probably would've done a two-family and I would've benefited greater financially from that and I may still do that down the road, but the reason is if you take a parcel of land, you have an expense to do the survey, the engineering, the wetlands, the stream, all that you have to put all those on your maps and you do your septic design and you locate your well a hundred feet from that septic design. You have to take all those things into account. Once you've done all those things, there's no extra cost for all of those things to add another unit in the same building structure. In addition, when you bring power in from the street, that's several thousand dollars. When you build a septic system, it's 15-30,000 depending on the number of chambers and the type of soil that you have. It does not double in cost to add another unit to that septic system. Same thing for a well. If you've got sufficient well water in your well to support two families as opposed to just one, there's no additional cost to drilling that well and installing it. So, every cost that you have does not double. And you can sell that two-unit or rent it out for more. You don't have to sell it for double what you would sell a single family when you decide to sell it. If that single family in Southern Maine might sell for \$300,000 and you decide to build a two-family and you turn around and sell it, you don't need to get \$600,000 to get your money back. You can actually sell it for less than \$600,000 and keep a larger percentage of the proceeds for your profit because all of our costs are well under less than doubled. So, I think it's actually good for the homeowners or the renters because they don't have to spend double to get that second unit and it's good for the developer because you're getting, you know, double your bang for your buck for your cost. So, I support the bill and I hope others will on the business perspective of it. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Speaker Fecteau.

Representative **FECTEAU**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Maine is facing an affordable housing crisis. It's facing a housing crisis. Housing is crucial to everything. It's a foundation by which prosperity for Maine families, Maine businesses and Maine communities is and can be realized. Madam Speaker, I know this to be true firsthand. My parents divorced when I was young. My mom, who dropped out of high school in 10th grade, worked in health care, earning low wages while caring for older folks. She raised me and my sister on little means. No day was without stress or anxiety. Even at a young age, I not only sensed my mom's stress, but I could feel it. I was anxious about things I couldn't understand but knew were bad. Would we have food on the table? Would the car turn on in the morning? Would I have school supplies to start the school year? I've said this often; when your family is living paycheck to paycheck, it

seems like everything that can go wrong does go wrong. With this being said, however, there was one constant in my childhood; we had a place to call home. We had a place that my mom could afford. We had a roof over our heads. It was a safe place to do homework, to learn, to grow. I believe in my soul that without safe, reliable and affordable housing for my family, I would not be in this Body today speaking on this floor in the capitol of our great state and I surely would not have the honor of serving as the Speaker of the Maine House. I'm immensely grateful that my family had a place to call home.

Madam Speaker, the trouble is, if you fast-forward from my 1990s childhood, we now have an emerging and ever-growing crisis. A crisis that is crushing more and more families, older Mainers, our young people who want to stay in Maine. And here's the deal; according to the Maine Affordable Housing Coalition, nearly 31,000 renters, that's one in five Mainers, pay more than half of their income towards housing costs. Nearly half of their income going towards paying for their home. And for every family living in an affordable federally-subsidized unit, nearly three families are on a waiting list. That's over 25,000 Mainers, as the Good Representative from Auburn mentioned, many of them older Mainers waiting on a list, just waiting, hoping, that they'll have a home that they can afford. This is a statewide problem, make no mistake. This is a statewide problem. There's not a single county in our State where a fulltime worker earning the minimum wage can afford the typical two-bedroom apartment. In order to keep up with demand, Maine needs 1,000 units of affordable housing added to our stock on an annual basis. Our average, Madam Speaker, our average over the last six, seven years; 250 units. That's not going to cut it. Last year, however, we did build 500. Momentum is on our side to achieve 1,000 units but the status quo will not suffice. We must take decisive action to accelerate housing production in our communities and give Maine people the power; the power to help solve this challenge in their own backyards. And let me be clear, Madam Speaker, I'm not talking about hundreds of units in a short period of time in every town in the State. I'm talking about measured growth, where all of us, where all of our communities north, south, east and west and everywhere in between, where we all chip in to make sure that someone, some family, can have a place to call home. And I'm talking about a family being able to build an in-law apartment attached to their home or above a garage for an aging parent or their kids coming back from college. I'm talking about allowing someone to buy a lot and build a duplex, which is currently prohibited even though towns could allow it, but they currently prohibit it.

I believe this can't be the only solution and addressing the crisis must be multifaceted. I can see that this won't be the silver bullet that will solve all of our challenges, but we have done some good work. In 2020, LD 1645 became law, a bipartisan bill, created a statewide housing tax incentive, \$80 million over eight years. It demonstrated that together in this Body, we can make significant headway on one of the largest challenges facing our State; providing safe, affordable housing to working families. As a result of that bill, there have now been projects in Hartland, Skowhegan, Portland and Bath that have broken ground and each and every unit will provide Maine families a dignified place to live. Utilizing American Rescue Plan funds, Maine invested an additional \$50 million into the construction of affordable housing. I'm incredibly proud of these initiatives. But increasing housing investments is only one solution to the crisis we're facing. Last year, the Legislature voted to pass LD 609 to create the commission to study land use and zoning restrictions and how they relate to

the lack of affordable housing in Maine. The commission found that in too many municipalities, a web of various zoning and land use ordinances and State laws are preventing sensible projects, big, small and everything in the middle, from coming to fruition in the first place. Many folks that build housing won't even bother to consider some communities for housing because they know the rules are just too rigorous. LD 2003 now holds some of those recommendations from the commission, but not all of them. It holds only some of them because compromise and being responsive to constructive feedback is important to me. I want to take a moment to thank the hundreds of individuals, that's no exaggeration, my email has had many emails, hundreds of individuals including municipal planners, selectboard members, councilors, mayors, city managers and everyday private citizens that were following this bill and made it better because they took the time to communicate what they thought could be better in the bill. Ultimately, this bill is a result of compromise. I happen to believe that compromise isn't a dirty word and this bill reflects compromise.

Today, we have a broad range of support. Madam Speaker, how often do you have the Maine State Chamber of Commerce, the Maine Peoples Alliance, Maine Equal Justice Partners, AARP, Maine Association of Planners, the Maine Affordable Housing Coalition, Maine Real Estate Development Association, Maine Realtors Association, Maine Conservation Voters, Portland Regional Chamber of Commerce, Maine State Housing Authority, Associated General Contractors of Maine, GrowSmart Maine and many, many, many more organizations on the same side of a bill pending before this Body? I would challenge anyone in this Body to come up with a time where we've had all of those organizations on the same side of a bill. During the public hearing on this bill, we heard from Mainers of all political affiliations who value the property rights guaranteed to citizens who would be able to build accessory dwelling units on their own private lots. The truest form of local control; letting people decide what happens in their own backyard. We heard from Maine's business community, who know as employers that the housing shortage is keeping them from attracting and retaining workers. The housing crisis is not going away. Current production is not sustainable. And more people from other states are moving to Maine. Sixteen thousand three-hundred Americans moved to Maine last year. We were first in the nation for folks moving from other states to our State. That's a good thing. We've been trying to get people to come here. But it presents a challenge and that challenge is our housing stock. The need for workforce housing is clear. Over the next 10 years, according to the economic development strategic plan, we know that we need 70,000 people to come to Maine to make up for the estimated 60,000 Mainers who will leave the workforce because they reach retirement age. To deny the link between housing and our workforce is to not recognize how we are going to solve the challenges that are ahead of us. We must keep up with the demand for housing and this bill is one solution out of many.

We also heard from Mainers who are struggling to find housing for themselves or an aging parent or an adult child who wants to make a life for themselves right here in Maine. We heard from communities who are already making meaningful reforms. Brunswick, for example, changed their ADU, accessory dwelling unit ordinance and now has a hundred accessory dwelling units on the market as a result of the changes that they made. My good friend from Auburn, Auburn may achieve all of the recommendations from this bill this year and will have added 800 new units within the next two

years. That's progress. Belfast is actively reviewing their zoning to be sure affordable housing is not barred. I commend the good work of municipalities, the undertaking that they have gone under to address this challenges. But we can help bolster their efforts with LD 2003. After all, municipalities alone do not stand, they do not and they should not shoulder how and why we got here. State government must also take responsibility for something as important as housing. LD 2003 would empower municipalities to make changes that lead to greater housing availability. The State of Maine needs to be at the table to support towns and this bill does just that, by awarding technical and financial support to communities for talking through the numerous zoning and housing issues that remain in their hands. The bill answers the call of municipalities who asked for technical assistance so they can develop and implement their own initiatives to address housing needs. It includes grants from municipalities and regional planning organizations to help carry out the development and implementation of zoning and land use ordinance changes.

This bill is only about allowing more attainable housing options where housing is already allowed. And this is important to emphasize. We're not taking land that is designated for some other purpose. We're saying that the land that your town has already designated for residential use, that instead of just restricting it to a single-family home, allow someone to build a duplex if they want to. Allow someone to put an ADU in their backyard or over their garage. We're saying to allow housing where housing is already allowed. It allows Maine families to take this issue into their own hands and help us solve the challenges that are ahead of us. Towns and cities are still in control to enforce their local regulations, to protect their water and sewer systems, to keep in place their setback requirements, their dimensional requirements, subdivision law remains in place, restricted covenants that might exist in a subdivision that's already been built, those are protected in this bill. We've been responsive to Title 12, subsurface minimal lot size requirements and Title 22, subsurface wastewater. Don't even get me started on all the things that have changed in this bill. I think I might have a future as a planner after my time in office. This bill gives control to the most local entity of all; Maine people. It tells folks like you and me that if we own property in a residential area and we want to build a duplex, we should have the right to do so. This is not taking power away from people; just the opposite, Madam Speaker. It's empowering local people to exercise their right to liberty and their right to self-determination. This bill establishes what is allowed and then relies on local rules to determine if it is allowed on that lot, if it can be realized in that town, if it can be realized based on the rules that your municipality has in place, not one-size-fits-all. One-size-fits-all says these are the rules, you must follow them. That's not what this bill does. The issue of housing is critical to peoples' wellness, to our economy and workforce, to the dignity of older Mainers and the future of our young people. The future of housing in Maine will determine the prosperity of our State. I think we will look back on this day, when we made this decision about what we do with LD 2003 and I think and I hope that we will look back on this day as the day we turned the corner on addressing a crisis that just arrived on our doorstep and will only get bigger if we defer to the status quo. Today, it's time, Madam Speaker. I believe that we can, that Maine can and must take this crucial step. I urge my colleagues to support LD 2003.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Paris, Representative Andrews.

Representative **ANDREWS**: Thank you, Madam Speaker. I heard a lot of words, but at the end of the day, Maine Municipal is still opposed to this bill. Thank you.

The SPEAKER PRO TEM: 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. 570

YEA - Alley, Arata, Arford, Babbidge, Berry, Bickford, Blume, Boyle, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Kessler, Landry, LaRochelle, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Pebworth, Perry, Pierce, Poirier, 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, Blier, Bradstreet, Carmichael, Collamore, Connor, Corey, Dillingham, Downes, Drinkwater, Ducharme, Faulkingham, Foster, Gifford, Greenwood, Griffin, Hall, Hanley, Harrington, Hutchins, Hymanson, Javner, Kinney, Lemelin, Libby, Lyman, Martin, Mason, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Pickett, Pluecker, Quint, Roche, Rudnicki, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Bell, Bernard, Carlow, Cebra, Costain, Dolloff, Evangelos, Grignon, Haggan, Head, Lyford, Meyer, Millett, Paulhus, Perry, Prescott, Sampson, Sharpe.

Yes, 78; No, 51; Absent, 18; Vacant, 4; Excused, 0. 78 having voted in the affirmative and 51 voted in the negative, 4 vacancies with 18 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-1013) was READ** by the Clerk.

Speaker FECTEAU of Biddeford **PRESENTED House Amendment "A" (H-1024) to Committee Amendment "A" (H-1013), which was READ** by the Clerk and **ADOPTED.**

Committee Amendment "A" (H-1013) as Amended by House Amendment "A" (H-1024) thereto was ADOPTED.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1013) as Amended by House Amendment "A" (H-1024) thereto and sent for concurrence.**

The Speaker resumed the Chair.
The House was called to order by the Speaker.

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

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

Representative **WARREN**: Thank you, Mr. Speaker. Mr. Speaker, every day this week, you've heard our colleagues highlighting Mainers who've been lost to overdose with sentiments and announcements. Today, I am remembering my friend, Jesse Harvey. Jesse died in September 2020. By that point, his name had already become synonymous with harm reduction, overdose prevention and peer support in Maine. He established organizations that continue to save lives today, like Journey House Recovery and the Church of Safe Injection. He touched countless lives with his work as a peer support specialist at Greater Portland Health, Prebble Street and Amistad. He was an energetic, creative and provocative force in our community and the tragedy of his death is still a source of great pain for those of us who knew him. Apart from his accomplishments, Jesse was warm, caring and really goofy. He could make anyone immediately feel safe and accepted and he always had a hilarious quip in his back pocket. He loved food of all kinds and he loved fiddleheads. He is deeply missed by his mother, Katherine, his brother, Jonah and so many friends, relatives, colleagues and community members. By mobilizing his community, protesting injustice and practicing civil disobedience, Jesse constantly insisted to those of us in power that people who use drugs do not deserve to die. He was right. And in that spirit and in his memory, I look forward to our vote this week, tomorrow, in fact, on LD 1862, the expansion of the Good Samaritan Law. I hope we will honor Jesse's life by passing legislation that shows radical compassion for the marginalized. Thank you.

On motion of Representative MARTIN of Sinclair, the House adjourned at 8:11 pm until 10:00 a.m., Friday, April 15, 2022; in honor and lasting tribute to Anita Marie Duerr, of Carroll Plantation and Leon George Markie, of Mattawamkeag.