

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
17th Legislative Day
Friday, April 15, 2022

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

Prayer by Pastor Scott Taylor, Hermon Baptist Church.
National Anthem by Roxane Althouse, Woolwich.
Pledge of Allegiance.
The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (S.C. 1260)

**MAINE SENATE
130TH LEGISLATURE**

April 12, 2022

Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, ME 04333
Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Criminal Justice and Public Safety on Bill "An Act To Improve the Safety of Prisoners and Jail Staff by Limiting Work Hours of Jail Employees" (H.P. 832) (L.D. 1154) in non-concurrence.

Best Regards,
S/Darek M. Grant
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 1261)

**MAINE SENATE
130TH LEGISLATURE**

April 13, 2022

Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, ME 04333
Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted Report "B" Ought Not to Pass from the Committee on Energy, Utilities and Technology on Bill "An Act To Update the Comprehensive State Energy Plan To Achieve the State Energy Vision" (H.P. 1497) (L.D. 2015) in non-concurrence.

Best Regards,
S/Darek M. Grant
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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

ORDERS

On motion of Speaker FECTEAU of Biddeford, the following Joint Resolution: (H.P. 1528)

JOINT RESOLUTION RECOGNIZING NATIONAL SMALL BUSINESS WEEK, MAY 1-7, 2022

WHEREAS, in the face of a worldwide pandemic, America's economic growth has been driven by the resilience of our small businesses, which pioneer innovative solutions to the country's greatest challenges and provide opportunities to families and workers; and

WHEREAS, from the storefront shops that anchor Main Street, to those who fish and farm to feed our people, to the small manufacturers driving our competitiveness on the global stage, small businesses are the backbone of our economy and the cornerstones of our nation's promise; and

WHEREAS, when we support small businesses, jobs are created and local communities preserve their unique cultures; and

WHEREAS, because this country's 32.5 million small businesses create nearly 2 out of 3 jobs in our economy, we cannot ourselves resolve to create jobs and spur economic growth in America without discussing ways to support our entrepreneurs; and

WHEREAS, the President of the United States has proclaimed National Small Business Week every year since 1963 to highlight the programs and services available to entrepreneurs through the United States Small Business Administration and other government agencies; and

WHEREAS, data compiled by the United States Small Business Administration, Office of Advocacy indicates that over 99% of Maine's businesses are small businesses; and

WHEREAS, the State of Maine supports and joins in this national effort to help America's small businesses do what they do best: grow their businesses, create jobs and ensure that our local communities remain as vibrant tomorrow as they are today; 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 1-7, 2022 as National Small Business Week and express our appreciation to Maine's small businesses, which are the backbone of our economy and the anchors of our communities.

READ and ADOPTED.

Sent for concurrence.

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

On motion of Representative MARTIN of Eagle Lake, the following House Order: (H.O. 22)

ORDERED, that Representative Lydia C. Blume of York be excused March 9 and 24 for personal reasons and March 31 and April 5 and 7 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Michael F. Brennan of Portland be excused March 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Christopher James Caiazzo of Scarborough be excused March 29 and March 31 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Meldon H. Carmichael of Greenbush be excused March 31 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard M. Cebra of Naples be excused March 9, 22 and 24 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Kathleen R. J. Dillingham of Oxford be excused January 5, February 16 and March 9 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Billy Bob Faulkingham of Winter Harbor be excused March 29 and 31 and April 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jeffery Allen Gifford of Lincoln be excused March 9 and April 12 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Chad Wayne Grignon of Athens be excused January 26, February 10, 16, and 23 and March 22, 24, 29 and 31 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Lori K. Gramlich of Old Orchard Beach be excused March 31 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Matthew A. Harrington of Sanford be excused January 5 and March 22, 24, and 29 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Frances M. Head of Bethel be excused March 24 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sheila A. Lyman of Livermore Falls be excused April 5 and 7 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard G. Mason of Lisbon be excused March 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Kristi Michele Mathieson of Kittery be excused April 5 and 7 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Genevieve McDonald of Stonington be excused March 24, 29, and 31 and April 5 and 7 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Lester S. Ordway of Standish be excused April 7 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Sean C. Paulhus of Bath be excused March 9 and 24 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lois Galgay Reckitt of South Portland be excused April 5 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Suzanne M. Salisbury of Westbrook be excused March 22 and 24 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Braden Sharpe of Durham be excused March 9, 22, 24, 29 and 31 and April 5, 7, 11, 12, and 13 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Peggy Jo Stanley of Medway be excused April 11 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Joel R. Stetkis of Canaan be excused March 31 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Michael A. Sylvester of Portland be excused March 9 for health reasons.

AND BE IT FURTHER ORDERED, that Representative James E. Thorne of Carmel be excused April 5 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Joseph F. Underwood of Presque Isle be excused April 5 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Charlotte Warren of Hallowell be excused March 22 for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Leah Dechaine, of Pittsfield, a senior at Maine Central Institute, who is a recipient of a 2022 Principal's Award for outstanding academic achievement and citizenship, sponsored by the Maine Principals' Association. We extend our congratulations and best wishes

(HLS 775)

Presented by Representative COLLAMORE of Pittsfield.

Cosponsored by Senator FARRIN of Somerset.

On **OBJECTION** of Representative COLLAMORE of Pittsfield, was **REMOVED** from the Special Sentiment Calendar.

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

Recognizing:

Hyeonjee (Elena) Rho, of Daegu, South Korea, who has earned the distinction of being named Salutatorian of the 2022 graduating class of Maine Central Institute. We extend our congratulations and best wishes;

(HLS 776)

Presented by Representative COLLAMORE of Pittsfield.

Cosponsored by Senator FARRIN of Somerset.

On **OBJECTION** of Representative COLLAMORE of Pittsfield, was **REMOVED** from the Special Sentiment Calendar.

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

Recognizing:

Yuran Choi, of Gwangju, South Korea, who has earned the distinction of being named Valedictorian of the 2022 graduating class of Maine Central Institute. We extend our congratulations and best wishes;

(HLS 777)

Presented by Representative COLLAMORE of Pittsfield.

Cosponsored by Senator FARRIN of Somerset.

On **OBJECTION** of Representative COLLAMORE of Pittsfield, was **REMOVED** from the Special Sentiment Calendar.

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

Recognizing:

Hillary Hoyt, of Orrington, a third grade teacher at Leroy H. Smith School, who is one of only two educators in Maine and sixty in the Nation to receive a 2022 Milken Educator Award. The award recognizes her commitment to creativity in the classroom, focus on prioritizing children's individual needs to improve learning outcomes and leadership both at her school and in her community. We extend our congratulations and best wishes;

(HLS 774)

Presented by Representative DOWNES of Bucksport.
Cosponsored by Senator ROSEN of Hancock.

On **OBJECTION** of Representative CUDDY of Winterport, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Cuddy.

Representative CUDDY: Thank you, Mr. Speaker. Mr. Speaker, Hillary Hoyt has taught both of my children at Leroy H. Smith School in Winterport. She's always been recognized by the parents of RSU 22 as exceptional but, far more importantly, both of my children agreed with that judgment. In the past year, the rest of the State has finally caught on. Ms. Hoyt was the Waldo County Teacher of the Year for 2022. She was also a finalist for the Maine Teacher of the Year in 2022 and now she has won the Milken Teacher Award for 2022. The Milken Educator Award recognizes exemplary educators with an unrestricted \$25,000 award presented at a surprise school assembly. I've seen the photos. She was incredibly surprised. The Milken Family Foundation sets the following criteria for the recipients of the foundation's educator award; exceptional educational talent as evidenced by effective instructional practices and student learning results in the classroom and school, exemplary educational accomplishments beyond the classroom that provide models of excellence in the profession. They are individuals whose contributions to education are largely unheralded yet worthy of the spotlight. This describes what you want in a teacher. Hillary Hoyt has been this for her entire career. We are lucky to have her in RSU 22 and we really hope that she continues teaching here for the rest of her life. Thank you very much.

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**.

The following items was 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 Paul Penna, of Windham

(HLS 673)

TABLED - March 24, 2022 (Till Later Today) by Representative CARLOW of Buxton.
PENDING - **PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Carlow.

Representative **CARLOW**: Thank you, Mr. Speaker. Mr. Speaker, I want to convey congratulations and best wishes to Superintendent Penna on the announcement of his retirement from the Bonny Eagle School District. As an alumnus of Bonny Eagle High School and vice chairman of the MSAD 6 board of directors, I've had the privilege to serve alongside Mr. Penna for eight years. And in that time, I have witnessed the hallmarks of a truly great man. Mr. Penna began his 41-year career in public service as a detective in the South Portland Police Department, helping keep Maine communities safe and free from crime. But his heart called him to public education and that is the field he has called home for more than three decades. During his tenure as superintendent, Mr. Penna has accomplished a great deal. He's enhanced student opportunity by implementing flexible academic pathways, he's established a bedrock of trust between the school department and the community it serves and his skillful leadership has inspired the more than 700 people who work for MSAD 6. Of course, there are many more accolades and triumphs to which I could attest but the truth is that the greatest successes that I've observed during Mr. Penna's tenure cannot be measured by words alone. It is his kindness to both friend and stranger and his ability to inspire and uplift. It is his tenacity and fortitude in times of hardship and the sincerity of his convictions. It is his deep and enduring sense of pride and purpose and his fidelity to every single student regardless of who they are or from where they came. Mr. Speaker, it is these intangible qualities that makes me particularly proud to know him and to call him my friend. In closing, I will once more extend to Mr. Penna special thanks for the contributions he has made to the Bonny Eagle School System and I further express my gratitude for his lifetime of service to the people of the State of Maine. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Blier.

Representative **BLIER**: Thank you, Mr. Speaker. I also rise today to congratulate Mr. Penna for his service to SAD 6. For years, I've worked alongside Mr. Penna through budgets and school issues and he's one man of great integrity, extremely intelligent and knows SAD 6 like the back of his hand. And so, I just want to thank him for his service to the communities of SAD 6 and congratulate him on the many years of service he's given to our communities. Thank you.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Ordway.

Representative **ORDWAY**: Thank you, Mr. Speaker, my Colleagues in the House. I just wanted to reiterate the comments that the Representatives have spoken to and wish Mr. Penna good luck in his retirement. I offered him my wisdom on retirement this morning, that the thing I miss most about being retired is days off and vacations.

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

Expression of Legislative Sentiment Recognizing Ed Harmon, John Hargreaves and Arthur Richardson, of Boothbay (SLS 868)

- In Senate, **READ** and **PASSED**.

TABLED - March 31, 2022 (Till Later Today) by Representative STOVER of Boothbay.

PENDING - **PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Stover.

Representative **STOVER**: Thank you, Mr. Speaker. It is my honor and privilege today to stand before you and welcome our guests, Ed Harmon, John Hargreaves and Arthur Richardson of Boothbay. These gentlemen took initiative three years ago, almost four now, to refit cargo trailers into homeless shelters for veterans across the State. This Body took up the issue of homelessness and housing yesterday and spent a great deal of time talking about the need to ensure that everyone has a safe, stable place to stay at night. Because of the efforts of these men and the Boothbay V.E.T.S. Project, they are providing these trailers across the State to veterans who would otherwise have no place to sleep at night. It is my honor and privilege to stand for them today and recognize them for the work that they have done and the work that they will continue to do. Thank you.

Subsequently, this Expression of Legislative Sentiment was **PASSED** in concurrence.

Expression of Legislative Sentiment Recognizing Kenneth Carr, of Woolwich

(HLS 769)

TABLED - April 14, 2022 (Till Later Today) by Representative HEPLER of Woolwich.

PENDING - **PASSAGE**.

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

Representative **HEPLER**: Thank you, Mr. Speaker. It is a fact, as you have seen this morning, that Woolwich is full of talented and smart people. And Kenneth Carr is one of those smart and talented people. In addition to working on projects that have shaped the world, as you have heard, I wanted to add that Mr. Carr is also deeply involved in our future. He currently serves as the STEM ambassador for the State of Maine, lecturing to fifth and sixth grade students and also serving as a trustee of the board for Maine's Dearborn Foundation, awarding scholarships to high school students and helping them pursue careers in engineering. Finally, he is in the midst of documenting his very full life by writing a memoir, *The End of the Road, My Unlikely Path as a Microwave Pioneer*. I am delighted that his unlikely path has brought him to Woolwich and to the State of Maine this morning. Thank you.

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**.

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

Representative **SHEEHAN**: Thank you, Mr. Speaker. Mr. Speaker and House Colleagues, I rise to recognize the recovery and harm reduction community who is grieving the loss of Jessi Gilbert from Biddeford on Sunday, March 27, 2022. Their death reminds us that even the greatest of warriors can fall in battle. Jessi was the York County program director at Maine Access Points, where they ran the syringe service program that they singlehandedly built to ensure that the community they so deeply cared for was taken care of. According to those who loved them, Jessi was a truth-teller, fierce in their commitment to their community. An abolitionist at their core, Jessi moved outside of systems, navigating the in-between spaces with care, beautiful chaos and love. Jessi met their community with a righteous belief that people deserve safety, radical joy and justice. Jessi's commitment to meeting everyone exactly where they were with love and respect was as central to providing harm reduction support as the supplies and education were. Jessi would want to ensure that everyone has access to whatever support they need not only today but every day. In discussing a friend who had passed away, Jessi observed; it's shame that kills us above all else. We die alone in the dark and it never had to be like that. Mr. Speaker and Colleagues, every day in Maine, we lose two of our neighbors to overdose. Our young constituents are losing their parents. Our friends and colleagues are losing siblings and children and partners. The old approaches are not working. They are killing us. Please join me in honoring Jessi's memory by supporting the changes we urgently need to save the lives of our neighbors. Thank you.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1019)** on Bill "An Act To Implement the Recommendations of the Commission To Create a Plan To Incorporate the Probate Courts into the Judicial Branch" (EMERGENCY)

(H.P. 1453) (L.D. 1950)

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-1019)** 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, LD 1950 proposes to incorporate the probate courts into the Judicial Branch. This change will take away local control. Our constituents currently elect a probate judge that they trust to meet the needs of their county. It's often a person that they know and have the utmost confidence in. This bill strips that local control and places the power of appointment into the hands of the Chief Executive. The judge may no longer be someone the community knows and trusts. This bill was brought forward because of a constitutional amendment passed on November 7, 1967. It was never implemented because it was found time and time again that the process would be costly and ineffective. The proposed implementation would stagger counties, leaving some judges elected and some appointed through the process. It would add the expenses of additional court marshals and law clerks and the State would shoulder responsibility for additional costs for building rental agreements and additional security needs. Another concern is how this takeover of probate courts would impact MCILS. They would assume multiple cases when they are already understaffed and trying to improve their current process. Mr. Speaker, much in Maine has changed since 1967. The people of Maine today are not requesting this change, nor are the probate courts. Registrars expressed concerns about addressing personnel issues when registrars continue under this proposal to be elected and report to the county while others would report to the State. We're looking at a solution to a problem that no longer exists. Maine's tax dollars would be better spent solving existing problems of today without taking local control away from its people. Thank you.

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

Representative **CARDONE**: Thank you, Mr. Speaker. Maine's probate courts occupy a unique position in Maine's justice system. Unlike our district court, our superior court and our supreme judicial court, the 16 individual probate courts are not considered part of the State Judicial Branch. Instead, they are 16 individual county court silos spread across the State. They operate largely independently from the Judicial Branch and from each other, although they are governed by a statewide set of probate laws and probate rules and forms. Probate judges also stand apart from State court judges because they are elected rather than vetted and appointed by the Chief Executive. Because probate judgeships are

generally considered to be part-time in nature, their pay is also structured accordingly. It's part-time pay. And because of that, probate judges, if they want to work more than part-time, they are authorized to and often do engage in the practice of law, which creates a number of ethical conflicts for not only the probate judges and the probate courts but for those who use the courts and for the attorneys who practice law with or against the people who are probate judges. I won't go into further detail on that, but it is a huge ethical conflict. Since at least the 1950s, commissions and blue-ribbon panels and study groups who have studied the structure of the Maine Judicial Branch and have recommended changes have always recommended that the 16 probate courts be consolidated in favor of a single statewide probate court that falls under the umbrella of the judicial branch. And, in fact, in 1967, more than 50 years ago, the Legislature then voted in favor of a constitutional amendment that went out to the populace and was voted in by the populace. And that constitutional amendment said get rid of the elected part-time probate judges. And we authorize a change in our State constitution to allow the Legislature to do that. And that change takes effect as soon as the Legislature puts another system in place that allows for full-time appointed judges.

Now, I wasn't aware that there was a time limit upon which a constitutional amendment expires. I'm pretty sure there isn't, in fact. And the fact that it's been more than 50 years since this amendment was passed and not acted upon is not an indication that it shouldn't be acted upon or it's no longer important, so much as it's an indication that the Legislature has failed to live up to the expectations of the electorate. This past session, this Legislature authorized a commission to take on the responsibility of looking at our probate courts and coming up with a plan to accomplish what the electorate asked us to do 50-some years ago. I had the honor of chairing that commission and I have to say, Mr. Speaker, that my own presence aside, that commission was staffed with some of the best legal minds that I know of who are experts at Maine probate law. And those experts who were not actually a part of that commission were testifying to that commission and providing testimony, recommendations and thoughts for us to go forward. The commission issued a report to the 130th Legislature with a concrete plan as to how to implement their recommendations and to ensure timely, convenient and meaningful access to justice. I am not going to go through the details of this bill. They are many and we would be here till tomorrow. I would just like to hit four points, please, Mr. Speaker, about why this bill should pass. First and foremost, it respects the will of the people of Maine by providing for the appointment of full-time probate judges within the State Judicial Branch. This will relieve counties from their current responsibility for paying for the costs of salaries and benefits of probate judges. It will not leave counties in the hole. They will be retaining all the revenue from the probate courts, they will be losing the costs.

Second, the elected registers of probate and their staff who everybody on this panel, on this commission, saw as the jewel in the crown of our current probate system, the elected registers of probate and their staff will remain county officials and retain their existing statutory duties and authorities. Counties will continue to pay the expenses of the register and

the register's office. They will retain the court probate fees and filing fees. These registers of probate provide exemplary service to their communities and under this plan they will continue to do so in the same way that they have been doing. Third, all costs, whether payment of attorneys, visitors or guardian's ad litem appointed in the probate courts will now be funded by the State general fund, with attorneys being appointed through Maine Commission on Indigent Legal Services. This will standardize the level of service that the courts are able to provide and it will ensure that there are more attorneys available. Right now, there's a real shortage of people willing to work in the probate courts. It will also standardize the fees being paid. Because there are 16 different courts, that's not always a standard fee. And, finally and this is a benefit for all Maine citizens, the probate court expenses that are currently based on property taxes, they're a property tax-based county budget, those expenses will be shifted to the State general fund and that presents an opportunity for reduction or freeze in the property taxes paid by homeowners. This property tax burden is especially significant for older adults with their income tax obligations as they leave full-time work and a smaller property tax bill will reduce that burden. And just finally, Mr. Speaker, this bill is supported by Legal Services for the Elderly, several agencies that provide services to our aging elderly and disability population. Those are the people who are most often part of the probate court system and this will provide those people with better and uniform access to justice in a new system that will work to the benefit of all of Maine's people. Thank you, Mr. Speaker and I urge you and my colleagues to support this bill.

Representative LIBBY of Auburn **REQUESTED** that the Clerk **READ** the Fiscal Note.

The Clerk **READ** the Fiscal Note in its entirety.

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

Representative **CARDONE**: Thank you, Mr. Speaker, for allowing me to rise again. When the commission met, we didn't know what the fiscal note was going to be and there was some speculation of numbers that were pretty daunting. I have to say that when that fiscal note came out, our jaws dropped, not because of how high it is but because of given what we are offering, how low it is. Most of that fiscal note is cost shifting. We are taking it from the county budget and bringing it into the State budget. It's shifting from county taxpayers into the State general fund, State revenues that are spread much more evenly across citizens and noncitizens of Maine as well. So, that fiscal note is one more reason, one more very good reason to support this bill.

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. 571

YEA - Alley, Arford, Babbidge, Bell, Berry, Blume, Boyle, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, 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, Paulhus, Pebworth, Perry, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Stover, Supica, 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, Dolloff, Doudera, Downes, Drinkwater, Ducharme, Faulkingham, Foster, Gifford, Greenwood, Griffin, Hall, Hanley, Harrington, Head, Hutchins, Javner, Kinney, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Pickett, Poirier, Prescott, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Bernard, Cebra, Costain, Grignon, Haggan, Perry, Roche, Sharpe, Sylvester.

Yes, 79; No, 59; Absent, 9; Vacant, 4; Excused, 0.

79 having voted in the affirmative and 59 voted in the negative, 4 vacancies with 9 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1019)** 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-1019)** and sent for concurrence.

Six Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-1017)** on Bill "An Act To Regulate the Use of Biometric Identifiers"

(H.P. 1450) (L.D. 1945)

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

MORIARTY of Cumberland
POIRIER of Skowhegan
RECKITT of South Portland
SHEEHAN of Biddeford

Five Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-1018)** on same Bill.

Signed:
Senator: KEIM of Oxford

Representatives:
HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
LIBBY of Auburn

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

Signed:
Representatives:
HAGGAN of Hampden
THORNE of Carmel

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-1018)**.

READ.

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

Representative LIBBY of Auburn **REQUESTED** a roll call on the motion to **ACCEPT** Report "B" **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 Saco, Representative O'Neil.

Representative **O'NEIL**: Thank you, Mr. Speaker. Our personal information is collected, used and monetized at an alarming rate. As people subject to data collection, we often aren't given a choice. This bill requires companies to get our consent before collecting and using our most sensitive data; our faces, our voices and our fingerprints. First, I want to explain what kind of data we're talking about. This bill is about biometric data. It's targeted to a narrow category of vulnerable data. Biometric identifiers are measurements of your unique features that are used to identify you. Things like fingerprints, the unique sounds of our voices, or scans of our hand or our face geometry. Because they are unique to you, they can be used for authentication or tracking or surveillance. Biometric identifiers don't include plain photos or videos. We're talking about scans of your face and scans of your fingerprint that are used to identify you. This bill is important for a few reasons. First, it puts us, rather than companies, in control of our unique and sensitive data. This bill simply requires companies to notify us and get our consent before collecting, using, or sharing our biometric data. Nationwide, numerous retailers, concert venues and stadiums have begun quietly using face recognition technology to identify and track shoppers and even attendees. For example, Rite-Aid installed more face recognition collecting cameras in areas that were less wealthy and less white. In areas where people of color including black or Latinx resident made up the largest racial ethnic group, Reuters found that stores were three times more likely to use the technology. I put this bill in because we are at a fork in the road with use of this data and it's important to get ahead of it before it's too late. The second thing that's important is that this bill will protect against dangerous data theft. Biometric

data is vulnerable to data thieves because you can't change your face or your fingerprint like you can change a password or a credit card number. This makes biometric data a ripe target for data thieves. Once your info is out there, you can never get it back. In the event of a data breach, you could be subject to harm forever. That's why we deserve a choice about whether our data is collected in the first place.

Next, it would protect against significant deprivations of civil liberties. Face recognition technology and other biometric surveillance gives governments, companies and individuals the power to track us wherever we go. Tracking our faces at protests, political rallies, places of worship, the doctor and more. That's why Maine has already banned government use of face surveillance. Next, this bill will help keep vulnerable communities safe. Privacy, security and civil liberty risks are experienced by everyone but members of vulnerable and marginalized communities experience the greatest harms, including people of color, LGBTQ people, immigrants and survivors of intimate partner violence. Making matters worse, face recognition algorithms misidentify people of color, women, children and seniors and people who are trans and gender nonconforming at much higher rates, leading to wrongful arrests and ejections from businesses. This bill is also important because it empowers regular people in the State to enforce violations of our rights. To ensure compliance, the enforcement mechanism is both a private right of action and AG enforcement. This is similar to what exists in numerous State and federal privacy and consumer protection laws already. The stakes for individuals who consent to use of their biometric data is extremely high and the consequences for misuse of our data should be equally high. If you are in the data collection business, you're in the data protection business. Most people would be surprised to learn that this data isn't protected already. A recent poll across the country actually showed that 88% of voters think that lawmakers should act to make these protections for biometric data. Again, 88% of voters across the country think that we should act as lawmakers to put these protections into law. And before I conclude, I want to read a piece of testimony that was at the public hearing. Maine recently led the nation by passing one particular privacy law for ISPs. And in this testimony from the CEO of GWI, he says that; this law has many similarities to the law before us today. At the time that previous bill was considered, dire consequences were predicted, none of which came to pass. None of these businesses went out of business or left the State. Instead, other States have followed our lead. And on this technology, in particular, he says many of these technologies are still developing and Maine businesses are just beginning to explore using them. This means that the impact of passing this bill now will be lower than if we wait. Maine businesses generally are not yet dependent on the day-to-day use of biometric data. If Maine businesses do use biometric data in the future, they'd be much better off knowing in advance what the rules are, resulting in better business plans, policies, procedures and systems. Retrofitting is hard and expensive. Oftentimes, you build it at the beginning and there's no additional cost. So, in closing, this bill gives Mainers the right to control our biometric information by requiring notice before collection and giving us the power to say no by withholding our consent. Mainers deserve these protections

and they deserve them yesterday. Please support the motion ahead of us. Thank you, Mr. Speaker.

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

Representative **ANDREWS**: Thank you, Mr. Speaker. In the 21st century, people have become products, whether they like it or not. Their biometric data has become a raw material to be harvested, analyzed and used in various capacities in the private sector. Humans should own access to their own biometric information. Their data is not ore to be dug from the earth. It is intimate, personal information that needs to be protected in Statute. Technology advances at an exponential rate these days and legislation will struggle to keep up with it. That's why it's imperative that we set a ground-level baseline in Statute for what we will tolerate in Maine. My friends, I have a 5-year-old daughter who has the potential to be anything she wants in this world. I am co-sponsoring this bill for her and all the young children in Maine who do not yet have an online footprint. We must ignore the big-money lobbyists and set in place a base framework to protect the biometric data of Maine's children before they have an online presence and their physical attributes are turned into a commodity to be sold for profit. We must protect Maine's children and their data. If we truly want to attract and retain a younger workforce to Maine, let's attract parents or people who want to become parents. Let's lead the way in protecting that workforce's biometric data as well as their children's data. Let's do the right thing for Maine's future generations. Please follow my light. Thank you, sir.

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

Representative **RECKITT**: Thank you, Mr. Speaker. You may have noticed, Men and Women of the House, that I am listed as a proponent of Report A, not B, as is currently proposed before you. Today, I am voting for the pending motion, Report A, in spite of my concern about the possible impact on Maine's credit unions, who I believe are vital to the financial services sector of this State. But as a consequence, I pledge to those who share my concerns about the timing of passage of this bill to be followed by implementation evaluation, that I will follow closely the work of that committee, with an eye toward possible modifications of this Statute if need be in the 131st, before it's effective date of 2024. I cannot, however, ignore the voices of the vulnerable people of Maine, our black, brown and tribal citizens, as well as those from Maine's lesbian, gay, bisexual and trans communities. There is ample evidence that all of these groups are more likely to be misidentified. All these groups are supportive of LD 1945. As a consequence, I, too, will be supporting this bill and I ask you to join me to enact LD 1945. Thank you.

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

Representative **FAULKINGHAM**: Thank you, Mr. Speaker. Mr. Speaker, I rise in support of the pending motion. I was proud to co-sponsor this bill with the Representative from Saco. LD 1945 simply requires that companies obtain consent before collecting, using, or disclosing an individual's biometric data. This bill ensures that our faces, irises and fingerprints are not exploited for private gain without our consent. This bill

is modeled after a bill that Illinois passed in 2008, Texas in 2009, Washington in 2017. And over the 14 years that this bill has been law in Illinois, Big Tech lobbyists have used an array of arguments that say the law would cause multiple problems and businesses would leave that State. None of those scenarios came to fruition. As a matter of fact, companies like Amazon and Apple are thriving there. But its citizens are enjoying the protections that this law provides. When we shop online, the company asks if we'd like to opt in to their email list. Why not do the same policy with our biometric information? The enforcement mechanism in this bill is a private right of action similar to what exists in numerous State and federal privacy consumer protection laws. Please support the pending motion.

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

Representative **MORIARTY**: Thank you, Mr. Speaker, good morning, Friends and Colleagues of the House. As can be seen from this morning's calendar, I am on a different report coming from the committee and I want to explain the reasons why I'll be voting no in connection with the pending motion. I will readily admit that when this bill came to us for public hearing in early March, I knew next to nothing about the collection of biometric data in Maine. I learned a good deal but, in my estimate, not nearly enough to make a final decision. I also learned about the scope of the current collection of this data in Maine, which came as a bit of a surprise to me. So, I know something about that but probably not enough to make a decision on the issue. But my primary problem with the bill is, in effect, the process. The bill establishes an implementation commission after enactment and, presumably, after the bill becomes law, should that happen. I find that to be a backwards approach. I find that to be out of sync and out of step with the approach that we customarily take in connection with complex matters. Consider this. The bill that we just finished discussing a few moments ago, the probate court bill, was drafted and came to this Body after an extensive study commission had completed its work and had issued its recommendations. The bill we voted on last night, LD 1626, the tribal sovereignty bill, similarly came to us after a special study committee was appointed in 2019 and arrived at 22 consensus recommendations. The bill sponsored by Representative Talbot Ross sought to implement those 22 consensus recommendations. And so, in those cases which are fresh in our minds, we studied the matter first and then considered legislation afterward. I don't want to be out of line, I know there's only one motion pending before the House at this time, but I will simply say there is an alternative. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Morris.

Representative **MORRIS**: Thank you, Mr. Speaker. I also rise in opposition to the pending motion. It should be noted that this bill does not apply to State government or the federal government, only to Maine's businesses. Speaking of that, this will negatively impact them and I also believe it will negatively impact Maine's consumers. It should be noted in terms of privacy and data collection that many companies, there's different levels of encryption for different types of data. Something like a biometric data or your Social Security

Number or your credit cards are encrypted more heavily than, say, something that's considered public information. I know this because last year we passed a similar bill that dealt with the reporting of potential data breaches. I think that would be a better approach to something like this, that would be a more measured approach to allow for any potential data breaches to be reported. While I certainly agree with the issues around protecting Mainers' privacy and I can agree with a lot of the bill, the last two sections of the bill, for me, are really nonstarters. I think the issue of forcing businesses to affirmatively get an affirmative in writing from the consumer is something that's going to be problematic and that some of the issues raised by our credit unions, some of the issues that they raise are that regulators encourage financial institutions to adopt dual authentication policies to better protect your bank accounts and this includes the use of biometrics. So, biometrics are used to help with security, not to hurt your security. This law, the regulations and rules surrounding the use of personal nonpublic data are very strict. Maine financial institutions are regularly inspected by both State and federal regulators for compliance. And these banks and credit unions do rely on biometrics for security. I appreciate that this bill doesn't take effect until 2024 and does allow for a time to study, but I would prefer that we do the study first. I think that's a more measured approach. And the part of bill that to me is the most problematic is the private right of action, particularly since there doesn't even have to be harm, it just has to be the appearance of a lawyer that is fishing for some sort of violation can bring about a class action lawsuit and the cost to defend these types of class action lawsuits can get very, very expensive. Even if it is found the business did nothing wrong. I believe if we're going to enact a law like this, the enforcement should be done by the regulator or the Attorney General's Office, not by private lawyers fishing for an opportunity to make money.

The other thing I'll just leave you with is that while this exempts the government, which I think is enough of a problem, it does not exempt that private business that may be contracting with the government that may use their biometric data as a way for security and the federal government may require that for some of these contracts. And what happens to those Maine businesses seeking those contracts if they can't comply with this? So, I would say, again, I would say the best route forward is to let's do the study, let's walk before we run, let's know what all the issues are that are on the table and then we can come back with a bill that would be better, that I think the Maine people would be better served from a security standpoint and from a protection of their private data standpoint. So, I would encourage this Body to reject this motion. Thank you.

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

Representative **HYMANSON**: Thank you, Mr. Speaker, Men and Women of the House. I do think there is some urgency in doing something and evaluating it while we're doing it. And although I am usually cautious in that and like to have things set up before things happen, I do think there's some urgency. And I thought about this while, when I had a private practice in medicine and my colleagues and I were choosing a computer program with my associates there was no biomedical data acquisition which was embedded in the programs we

were looking at. But soon data acquisition will be embedded in programs and to change out a computer system once you purchase it and made operational decisions is really costly and disrupting, if it's even possible. So, the more that this gets embedded into our systems that talk to each other and cross-talk, the harder it will be to remove or at least regulate or be somehow thoughtful about it and I think between now and next session, when the bill would run again and then another two years would go by with some thoughtful exposure, by then data acquisition through biometrics would be embedded in all of our computer programs and every interaction we do and so, I think the horse will be out of the barn or whatever your favorite expression is. So, I think we need to get in front of this issue of biometric data collection before it becomes even more the norm. So, for that reason, I'm in support of this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Ducharme.

Representative **DUCHARME**: Thank you, Mr. Speaker. Mr. Speaker, I rise today in strong opposition to the Minority Ought to Pass Report "B" to LD 1945 because it aims to put into Statute a new law and then study it for flaws afterward. Passage of this Ought to Pass as Amended proposal is not a good idea for protecting the financial security of Mainers. As a banker for over 20 years in Maine, I have been appalled over the last several days as I've heard reports in these halls about Maine banks selling consumers' data. I will tell you that no Maine bank that I am aware of sells or shares any consumer data, especially personal nonpublic private information. Our Maine banks and credit unions work very hard to protect their customers' privacy and jealously guard their fiduciary relationship with those customers. The suggestion that this is happening in Maine is offensive to our Maine banks and to our credit unions. Fraudsters can scam customers into revealing their financial access codes and ID. However, biometrics offers another layer of protection for these individuals. Financial institutions must already adhere to stringent and comprehensive regulatory and examination structures regarding consumer data required under the federal Gramm-Leach-Bliley Act of 1999. In enacting Gramm-Leach-Bliley in 1999, Congress stressed that the privacy and data security is critical within the financial industry. Section 15 of the U.S. Code states it is the policy of the congress that each financial institution has an affirmative and continuing obligation to respect the privacy of its customers and to protect the security and confidentiality of those customers' nonpublic personal information. When this law was passed in 1999, biometric data was included in the list of data that banks must protect.

The flawed Ought to Pass Minority Report "B" for LD 1945 would subject financial institutions to frivolous lawsuits due to the private right of action in this bill, even when they're doing everything correctly to protect their customers' data. This report may expose consumers to additional risk if their financial institution can no longer utilize biometric data because there's no security exemption within the bill. I know that most Maine banks have a very high-risk aversion to anything that might subject them to any litigation and I suspect that most of them will look at this and say the risk of litigation and the cost to our shareholders and depositors of this bill will far outweigh the benefit of us using biometrics for additional security for

everybody's stuff. This bill should be a resolve, as the Representative from Cumberland said as well as the Representative from Turner. I agree with them, we should study it before we pass it and see how it works after we pass it. I can tell you this is a litigator's dream. I lived through the Privacy Act, when that first came in and it was a nightmare. So, please don't do this to banks again. I understand the need for security with a lot of the companies but this will be a Maine law and if it's a Maine law, somebody mentioned to me that TD Bank, you know, this would protect them against TD Bank doing whatever they want to do. It won't protect you from TD Bank because they're headquartered in Canada and our laws won't apply. I ask you to oppose this Minority Report. Thank you.

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

Representative **UNDERWOOD**: Thank you, Mr. Speaker. This bill here is a full-employment bill for lawyers and vote no on this. Thank you.

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, I rise because in committee, like the Good Representative from South Portland, I also supported a study for this bill. But after listening to constituents about the grave concerns they have about companies using their biometric data in ways that they do not permit, I had to reconsider and do a lot of extra homework in the afterhours about the bill. With the vast speed of changing technology, this bill cannot wait and Mainers need protection and security sooner than later. For entities expressing concern about this bill, if they're already following protection protocols, they need not worry. Please join me in supporting the pending motion.

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

Representative **LIBBY**: Thank you, Mr. Speaker. I would just like to clarify a couple of points. One is that the amendment does exempt financial institutions for customer transactions and, thankfully, we've already banned facial recognition by the government. The extended implementation date is designed to give companies plenty of time to comply so as not to be overly burdensome. And the implementation committee is in place to make sure that we can collaborate with all of the stakeholders as this is implemented. Thank you, Mr. Speaker.

Representative **WADSWORTH** of Hiram **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

ROLL CALL NO. 572

YEA - Alley, Andrews, Arford, Babbidge, Bell, Berry, Blume, Boyle, Brennan, Bryant, Caiazzo, Cardone, Collings, Copeland, Corey, Crafts, Craven, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Faulkingham, Geiger, Gere, Gramlich, Greenwood, Grohoski, Hanley, Harnett, Harrington, Hasenfus, Hepler, Hutchins, Hymanson, Kessler, LaRochelle, Libby, Lookner, Lyman, Madigan, Martin J, Martin R, Martin T, Mathieson, Matlack, McCrea, McCreight, McDonald, Meyer, Millett, Morales, O'Connell, O'Connor, O'Neil, Ordway, Osher, Paulhus, Pebworth, Perry, Pierce, Pluecker, Poirier, Prescott, Quint, Reckitt, Rielly, Riseman, Roberts, Roeder, Rudnicki, Sachs, Salisbury, Sampson, Sheehan, Stanley, Stover, Supica, Madam Speaker, Thorne, Tucker, Warren C, Warren S, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Arata, Austin, Bickford, Blier, Bradstreet, Brooks, Carmichael, Cloutier, Collamore, Connor, Crockett, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Fay, Foster, Gifford, Griffin, Hall, Head, Javner, Kinney, Landry, Lemelin, Lyford, Mason, Melaragno, Millett, Moriarty, Morris, Nadeau, Newman, Parry, Perkins, Pickett, Skolfield, Stearns, Stetkis, Tepler, Terry, Theriault, Tuell, Underwood, Wadsworth, White B, White D.

ABSENT - Bernard, Carlow, Cebra, Costain, Grignon, Haggan, Perry, Roche, Sharpe, Sylvester.

Yes, 89; No, 48; Absent, 10; Vacant, 4; Excused, 0.

89 having voted in the affirmative and 48 voted in the negative, 4 vacancies with 10 being absent, and accordingly Report "B" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-1018)** 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-1018)** and sent for concurrence.

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

Seven Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-1020)** on Bill "An Act To Restore to the Penobscot Nation and Passamaquoddy Tribe the Authority To Exercise Jurisdiction under the Federal Tribal Law and Order Act of 2010"

(H.P. 428) (L.D. 585)

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

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-1021)** on same Bill.

Signed:
Senator: KEIM of Oxford

Representative:
THORNE of Carmel

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (H-1022)** on same Bill.

Signed:
Representatives:
LIBBY of Auburn
POIRIER of Skowhegan

One Member of the same Committee reports in Report "D" **Ought to Pass as Amended by Committee Amendment "D" (H-1023)** on same Bill.

Signed:
Representative:
BABBIDGE of Kennebunk

One Member of the same Committee reports in Report "E" **Ought Not to Pass** on same Bill.

Signed:
Representative:
HAGGAN of Hampden

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-1020)**.

READ.

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

Representative LIBBY of Auburn **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 Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you, Mr. Speaker. Mr. Speaker, the bill before us legalizes sports betting in Maine, which is a great big kiss to those who receive licenses. Sports betting is bad, I think, for sports, for too many families with financial insecurity and for the draining of money to the out-of-state gaming operator that is contracted to manage the software. LD 585 is good in that online sports betting is awarded exclusively to the tribes. But LD 585 is bad in that it taxes at only 10%, with the general fund for the people getting only 6.5%. That's in line with western states but not with most states in the northeast. Mr. Speaker, we have ongoing expenses. Maine seems awash in money right now with pandemic funds and an upsurge in the economy, but we have housing needs, you know, elderly, workforce, homeless. We have infrastructure damage, PFAS contamination, physical and mental health care demanding increased funds, satisfying our obligation to indigent legal services will require a great deal of money over the next couple of years. Funding in the northeast for states that have adopted online sports betting, sports betting having eclipsed the amount of money raised in casinos in many states. Pennsylvania, about three-quarters online

sports betting. Pennsylvania taxes sports betting at 36%, 34% going to the general fund. Delaware has sports betting in its casinos. They tax it at 50%. Rhode Island was one of the earliest to tax sports betting at 51%. New York just recently adopted sports betting, taxing it at 51%. New Hampshire, just in the month of January, had nearly \$100 million in bets. The payment or the, I think it's called the hold, but whatever was left after the payoff of winnings was \$8 million. New Hampshire retained almost \$4 million of that. I think there's a small federal tax in there, I asked the gambling control unit of the State of Maine what is New Hampshire taxed at and my reply was they're taxed at 51%. So, I'm opposed to the expansion of gambling in Maine as a principle. But when we have 30 states that have now legalized sports betting and there is a wave across the country for legislatures to access what is easy money, then I see the inevitable. Here in Maine, we've had two, well, this would be the second sports betting bill that is likely to pass this Body. My point is if we are going to embrace this endeavor, then let's not give away the farm. Let's make sure that we have a general fund allocation from this that is significant enough to benefit the people of Maine. If that happens, Mr. Speaker, I will be voting for this bill, but today, I cannot. Thank you very much.

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

Representative **HYMANSON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It is hard for me to support the expansion of gambling, especially in the form of online betting. We live in a world of addictions and expanding gambling in this way goes against my thinking as a physician concerned about prevention of addictions and online betting expansion can be an addiction for some. For this reason, although I would really like to support this bill, I will be voting in opposition. Thank you.

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, I rise in opposition to the current motion, though I'm not opposed to the bill in its entirety. Part of LD 585 creates a collaboration between the State and the tribes. This should've happened long ago. We all cherish our great State and strive for many of the same goals. Collaboration and clear understanding are a positive step for all. This bill provides limited tax exemptions to the tribes that will assist with financial needs and growth within the tribes. I wish these exemptions applied equally to all people of Maine, but I am not opposed to the benefits the tribes would see. The section that I cannot support is the monopolization of sports betting and online gaming. The potential revenues of such a market were greatly downplayed throughout our work sessions on this bill. Sports and online gaming are a growing enterprise. Revenues in neighboring New Hampshire were \$15 million in the first eight months of their fiscal year. There are options on the table for the tribes to have other gaming options. Options that they have been seeking for many years. Options that do not monopolize. Giving tribes the options to pursue other forms of gaming will only increase their business and financial opportunities. Why place a limit? Mr. Speaker, I have read and listened to lengthy testimonies. What I've heard is that the tribes want to be

treated equally. They want the opportunities for growth, the opportunities that have been afforded to other entities. I support that. But this bill goes beyond and grants exclusive special monopolized rights. For that reason, I have to oppose the motion and I ask you to do the same. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunphy.

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, it is an honor to rise in support of the pending motion. Everyone who comes to this institution, this House of the People, does so to make their communities stronger and more cohesive. Part of my legislative district is comprised of the current center of the Penobscot Nation. In the Penobscot Nation, I find not only constituents, but neighbors and friends whose friendship is something I treasure. In this session, we have debated a number of bills that have been submitted along with LD 585 to enhance the sovereignty, independence and economic opportunities for our tribal neighbors. It strikes me that in reviewing the history of the relationship between our tribal communities and the postcolonial communities that make up the modern State of Maine, that these debates may not have been possible only a generation ago. A hundred years ago, it would've been extraordinary to even acknowledge the existence of our tribal neighbors. Mr. Speaker, so much has been strained in this chamber during this session regarding the history of the strained relationship between the State and the tribes of the State, that adding more to that narrative would not inform this motion a great deal. I think it's an occupational hazard of this work that we focus on the nuts and bolts of legislation language and much of our thought process revolves around causes and effects and unforeseen outcomes that bills we pass could foster. For me, the importance of this legislation doesn't revolve around any of that.

Mr. Speaker, when I think of the new course that the passage of this bill represents, I immediately think of my own daughter and one of her very dear friends and high school classmates; a proud young Penobscot man named Ben Francis. Emily and Ben were in the band together, they ran cross-country and track together and went to two proms together. And even though they go to different colleges today, they remain very good friends. I am supporting this legislation because I know it will make a difference in the future for Ben Francis, his family and his neighbors in the Penobscot Nation. It will perhaps have a small impact on their immediate prosperity. It will also, however, be another important step in a long journey over 500 years in the making, the journey of our communities transforming themselves from conquerors and occupiers among a proud people to becoming neighbors. Dr. Jonas Salk, who saved generations of children from the horrors of polio, said our greatest responsibility is to be good ancestors. Looking beyond the immediate benefits of this legislation, it carries forward important work for the future. Mr. Speaker, this legislation is not, nor is it intended to be, a cure-all. The Majority Report, however, includes significant changes that promise to be positive ones. When I vote to support this motion, I'm filled with the hope that I am taking one more step to bring prosperity to the people of Maine and another step alongside our neighbors, the People of the Dawn, in this important journey forward. 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. 573

YEA - Alley, Andrews, Arford, Bell, Berry, Blume, Boyle, Brennan, Brooks, Bryant, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Drinkwater, Dunphy, Evangelos, Evans, Faulkingham, Fay, Gere, Gramlich, Grohoski, Harnett, Harrington, Hepler, Kessler, Landry, LaRochelle, Lookner, Madigan, Martin J, Martin R, Martin T, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Morales, Moriarty, Newman, O'Connell, O'Connor, O'Neil, Osher, Paulhus, Pebworth, Perry, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Skolfield, Stover, Supica, Madam Speaker, Tepler, Terry, Tucker, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Arata, Austin, Babbidge, Bickford, Blier, Bradstreet, Caiazzo, Cardone, Carmichael, Collamore, Connor, Corey, Dillingham, Dolloff, Downes, Ducharme, Foster, Geiger, Gifford, Greenwood, Griffin, Hall, Hanley, Hutchins, Hymanson, Javner, Kinney, Lemelin, Libby, Lyford, Lyman, Mason, Millett, Morris, Nadeau, Ordway, Parry, Perkins, Pickett, Poirier, Prescott, Quint, Rudnicki, Sampson, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Bernard, Carlow, Cebra, Costain, Grignon, Haggan, Hasenus, Head, Millett, Perry, Roche, Sharpe, Sylvester.

Yes, 81; No, 53; Absent, 13; Vacant, 4; Excused, 0.

81 having voted in the affirmative and 53 voted in the negative, 4 vacancies with 13 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1020)** 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-1020)** and sent for concurrence.

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

ENACTORS
Act

An Act To Prevent the Further Contamination of the Soils and Waters of the State with So-called Forever Chemicals

(H.P. 1417) (L.D. 1911)
(S. "B" S-553 to C. "A" H-958)

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

On motion of Representative O'CONNOR of Berwick, was **SET ASIDE**.

Representative O'CONNOR of Berwick **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative O'CONNOR: Thank you, Mr. Speaker. Ladies and gentlemen, this is a really difficult issue and PFAS has been a political football. Unfortunately, we're stuck with what I consider this is a very bad bill. Landfilling is not a long-term or sustainable solution to landfill biosolids. There must be sufficient physical and occupational capacity to do this. There are still a lot of questions that have not been answered on this. I do not think that we did due diligence on this and it's hard for me to stand up because I want to fix this issue as well. But landfill disposal is substantially more expensive than land application and composting. It is necessary for the Legislature to consider those implications to Maine municipal wastewater facilities and the local Mainers that they serve. If this policy is enacted --

The SPEAKER: The Member will defer. It is very difficult to hear the Member. If you would like to have a side conversation, please go behind the glass or out in the hallway. The Member may proceed.

Representative O'CONNOR: If this policy is enacted, is there sufficient physical and operational landfill capacity to accept sludge and septage from municipal wastewater operations? If this policy is enacted, it is critical to evaluate the environmental and financial impacts of landfilling biosolids in the State of Maine. And, is landfilling all biosolids sustainable solution for Maine? I don't think it is. The landfill capacity and operational limits must be considered. The Norridgewock landfill may have physical capacity to accept more waste, but it may not be accepting sludge and because of this, there are many other areas that will not be accepting sludge as well. Despite physical capacity, the State's Juniper Ridge landfill has operational constraints which greatly limit its ability to accept sludge. In addition to municipally-generated sludge, we also need to account for the disposal of certain industrial sludge that may contain PFAS, principally from the pulp and paper industry. If a landfill or a local wastewater treatment facility that sends a truck to a landfill to dispose of sludge only to learn that the sludge cannot be received at that time because of insufficient bulky waste but the collection of municipal sludge does not stop. So, if that one truck is unable to offload its sludge, that truck is, in turn, unable to collect further sludge from municipal systems, creating an immediate crisis for that system. I don't think that's where we think that we're headed with this but probably by late-July, we will see the effects of that.

In addition, there are still multiple groups that are in opposition to this. The Maine Farm Bureau, who are responsible for about 95% of our grow, are still in opposition, the wastewater treatment districts and the farmers are against this, landscapers are against this. These folks didn't make a dime off PFAS, yet they're all going to be responsible to pay for it. Also, biosolids recycling today is much more highly regulated than it was 30 years ago. It did not cause our current problem and it doesn't present a greater threat than other numerous minor releases of PFAS to the environment that happen every day. We'll be still spreading septage, however, that septage is not treated like biosolids are treated. When you flush your toilet, it doesn't sound pretty, but what's coming out of you are PFAS. There's not much we can do

about that. Also, biosolids recycling continue to provide significant benefits to our environment. It reduces carbon emissions that contribute to global warming, reduces fertilizers and pesticide use and enhances soil health and recycles nutrients. Safe products will be pulled from the market and they will be replaced with more expensive products. That in itself is alarming. What is really alarming to me is how much this will add, how much cost this will add to many municipalities. For instance, Bangor, this will add, not including fuel costs, mind you \$566,345; the Greater Augusta Utility District, \$324,000; the Lewiston-Auburn district, \$589,000; the Portland Water District, \$2,333,500; Saco, \$309,000; Sanford, \$416,000; York, \$233,000; Ellsworth, \$50,000; Frenchville, \$500,000; Rumford-Mexico, \$300-500,000; Wilton, \$91,000; Gardiner, \$300,000; Yarmouth, 47-6. These are the things that we should all be concerned about. I want to fix this problem. I want to fix this problem and I want to do it right. This isn't right. We did not hear from all the people. We did not take all of this into consideration. There is still so much to consider and I am really proud of our appropriators who have worked and I looked at our supplemental budget and it appears that there's \$60 million in that budget to combat this issue, which we must do. There're seven new positions. This is imperative that we do this, but this bill right here that we are about to vote on that may very well pass is more damaging than it is helpful. We all can do better, Mr. Speaker. I am sure we can all do better. We can take a few steps back, we can slow this down. I have a solution for this and I've offered it to individuals and it will address these issues. And I would love to be able to have the time to bring that forward instead of rushing this, because this was rushed and it is not a solution. It is a problem and I do believe if this goes forward, by the end of the day in July, we will be wading knee-deep in poop.

The SPEAKER: The Chair recognizes the Representative from Warren, Representative Pluecker.

Representative PLUECKER: Thank you, Mr. Speaker. I appreciate the opportunity to have this conversation again. Just to remind everybody, this is the second time we've had this conversation in this Body. We had a clear result out of that vote. There have been other votes in this building which have also once again showed the will of the people, that we want to address the PFAS crisis, that it is a moment of urgency for getting this job done and that the Legislature has been responsive and that we will get the job done. I just want to be clear about this process being sped up or going too fast. I had two bills in last year in front of the ACF committee which turned into studies. We've been looking at this for over a year. One of those bills, the study that came out of that bill turned into that \$60 million fund that we're now seeing out of the budget. This is work that we've done, the studies have been done, the response has been clear. In terms of, you know, reciting the different towns and their costs, I do know the Portland Water District already landfills all of their sludge, so there will not be increased cost to them for increased landfilling because it's already being landfilled, right? We need to be clear that the majority of our sludge in the State of Maine is already being landfilled. This is just closing the loop at the last little bit there. DEP has been clear in the ENR. There is currently space in

our landfills. It exists, the studies have been done, the word has been given.

But if we're talking about the costs of this bill, how about the cost that we're all facing, the \$60 million, the aforementioned \$60 million, the costs of remediation, the costs to our own health, the cost to the health of our children that we're going to be seeing for generations. We're talking about one-time costs now or, you know, we're going to see some costs for increased landfilling, but the cost to our health is the real cost that we're debating here. And then, at the end of the day, you know, there's an out-of-state corporation which is fighting this and has spent a lot of money in the halls here in the State House and they're trying to make us afraid of what's going to be coming from this. And I think that if we have the fear of the future to look to or the fact that the present is poisoning us, I think there's a clear choice. Choose to clean up our moment here today, clean up our bodies, clean up our families and don't pay attention to the fearmongering that folks have been offering. And then the last thing --

The SPEAKER: The Member will defer. The Chair will remind the Member to not speculate as to the motivations of other Members regarding the pending item before us. The Member may proceed.

Representative **PLUECKER**: I appreciate it. I do get excited and the intent was to not point at the Members, sir.

The SPEAKER: The Member will defer. The Chair has made a ruling. The Member may proceed with his comments on topic.

Representative **PLUECKER**: If we're talking about health of the soil, health of what we do to protect our land, to protect our families, it is clear what the choice is and I'm happy to talk about soil chemistry. I apologize for any rudeness. Thank you.

The SPEAKER: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Mr. Speaker. I wish to pose a question through the Chair.

The SPEAKER: The Member may proceed.

Representative **TUELL**: My question would be and the Representative from Berwick brought it up in listing off some of the costs for various communities. I guess my question would be who would be paying those costs and is there any thought about the State compensating municipalities or ratepayers should ratepayers be the answer?

The SPEAKER: The Representative from East Machias, Representative Tuell, has posed a question through the Chair to anyone who wishes to answer it. The Chair recognizes the Representative from Brunswick, Representative Tucker.

Representative **TUCKER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We debated this matter exhaustively last Monday. Since then, an amendment has been placed on the bill because there was concern raised in Monday's debate. The amendment removes the prohibition on the sale, distribution, or use of an agricultural crop or other vegetative material for any agricultural purpose if the crop or vegetative material was grown at a location in the State where septage is licensed or permitted to be applied or spread. This issue of prohibiting the sale of crops produced on land licensed for septage spread, even if spreading had never actually occurred on that land, was confusing and significant to some.

In my mind, it was not really that significant in practice. When the Representative from Arundel pointed this out last Monday in debate, I answered by referencing another part of the bill. On this particular point, the Representative from Arundel was right and I was wrong. We went back and Senate Amendment "B" fixed that problem.

The SPEAKER: The Member will defer. The Chair will remind the Member to not refer to the actions of the other Body. The Member may speak to what the amendment that's been adopted by the House as well does. The Member may proceed.

Representative **TUCKER**: Anyway, the point is this matter which was of great concern on Monday, it was just an uproar over this issue, those of you who were concerned about that issue can now vote again on a new roll call and you can now vote for the bill and stop the spreading of PFAS on our farmland. And I guess that concludes my remarks. There's an awful lot to say, obviously, on this issue. You may recall the first time I spoke in the House it was about manure spreading. Those in my class can remember that speech and it's ironic that I'm ending up my last speech having to do with not allowing sludge to be spread on our farmland. As to the merits and details of the case, my colleague who spoke earlier covered those points. Basically, the concerns, I believe, are exaggerated. We have heard these arguments throughout the committee process, there is nothing new here and I'd appreciate your vote and I hope we can get more than 81 this time.

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

Representative **BRADSTREET**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm looking at some of the testimony given on this bill and it says at one place there's a town that's really considering the extra cost and they said some of the septage analysis of that showed that did not indicate the presence of these chemicals in our sludge on the farm field. The question I have to pose through the Chair, if I may, Mr. Speaker, if there's an indication that the particular sludge does not contain these chemicals, is that sludge precluded from being spread on the fields?

The SPEAKER: The Representative from Vassalboro, Representative Bradstreet, has posed a question through the Chair to anyone who wishes to answer it. The Chair recognizes the Representative from Auburn, Representative Bickford.

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

The SPEAKER: The Member may proceed.

Representative **BICKFORD**: We heard from my good friend, the Representative from Warren, that there was room in the future in landfills for this solid waste. We didn't hear how many years specifically. So, my question is; is it one year, five years, 10 years, 50 years? That's an important point that we should clear. Thank you.

The SPEAKER: The Representative from Auburn, Representative Bickford, has posed a question through the Chair to anyone who wishes to answer it. The Chair recognizes the Representative from Warren, Representative Pluecker.

Representative **PLUECKER**: Thank you, Mr. Speaker. The DEP has said that they for the foreseeable future that there is space but I do not have an exact answer on number of years.

The **SPEAKER**: The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. While I appreciate the amendment to protect farms in the immediate future, this still does not affect testing of the biosolids or field testing. I agree with the Representative from Berwick on concerns about untreated septage being allowed to be spread but not treated, not the treated biosolids with far lower levels of contaminants being banned. We need to address this issue without harming our State further with unintended consequences. I did push for much of the amended language today and I'm very appreciative of it. There will be severe consequences to landfilling this municipal sludge going forward. Not all sludge is created equal and, sadly, this language doesn't take this into consideration. My one consolation is that one legislature cannot bind a future legislature and I hope we can make additional corrections in the future. Thank you.

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

Representative **GRAMLICH**: Thank you, Mr. Speaker, Colleagues of the House. I want to remind this Body that in addition to the legislation that the legislator from Warren referenced, we also passed two additional significant pieces of legislation aimed to ban the nonessential use of PFAS in manufactured products by 2030. So, we are really getting there but we have much work to do. We still need to stop known sources of PFAS, including PFAS sludge, which is contaminating our land and water. Mr. Speaker, it is imperative that we do all we can to address PFAS to mitigate its harmful effects and prevent the spread of PFAS on our farms and essentially our food and our water. In response to the question about funding, as I understand it, there may be some additional ARPA funding that may help municipalities offset some of these costs as well as the infrastructure to address this, but I would argue that we need to look at the costs of the health effects that this deadly toxic chemical is causing on not only our livestock and our food but ultimately our humans. So, I am in support of the pending motion. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Wales, Representative Greenwood.

Representative **GREENWOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I'm really confused and I have a couple of questions and hopefully somebody will be able to clarify. May I pose a question through the Chair?

The **SPEAKER**: The Member may proceed.

Representative **GREENWOOD**: Does this bill specifically deal with sludge and septage containing PFAS or is it all sludge and septage? And, secondly, does this bill deal with the elimination of PFAS out of our septage?

The **SPEAKER**: The Representative from Wales, Representative Greenwood, has posed a question through the Chair to anyone who wishes to answer it. The Chair recognizes the Representative from Brunswick, Representative Tucker.

Representative **TUCKER**: This does not apply to all sludge. It applies to all sewage sludge that comes through our wastewater treatment plants. There's an exclusion in the Statute, an exception for sludge produced in the production of food, the leftovers from making beer and so forth. Those are areas where there is less chance of a PFAS contamination.

The reason for making it a ban is because sewage sludge is already well-regulated and the DEP has excellent control over where it's coming from and how much there is. And so, it is a, shall I call it a product; there is a product, sewage sludge, which is characteristically poisoned with PFAS. This has been historic, everybody knows it now, it is readily regulated so that we know what we're doing. It's kind of like the low-hanging fruit in stopping the PFAS tap. The goal of this bill is to turn off the tap. If you have a flood in your basement, the first thing you do is shut off the water and you worry about who is going to pay for the carpet later. You worry about the damage after you turn it off. That's what this bill does; it turns off the tap of all this sewage which is almost universally far beyond any levels that are acceptable. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Mr. Speaker and I appreciate the answer to my question earlier about where the funding would come from. I would note, however, that ARPA funds, speaking of turning off the tap as we were a few minutes ago, ARPA funds are going to be gone within the next couple of years. They're a one-time funding source, they're not a long-term solution and I would encourage whether it's PFAS or anything else I would encourage folks in the future to remember that. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker. I rise to answer partially the question from the Representative from Wales. In number seven, letter "B", the prohibition in paragraph "A" does not apply to, and the Representative from Brunswick mentioned most of this regarding the things that are exempt being the brewing of malt liquor, fermenting wine, etcetera and it goes down at the end, though, it says provided that such residuals are not mixed with a sledge from a municipal, commercial, or industrial wastewater treatment plant, septage, sewage, or sanitary wastewater prior to or during land application or the production of the compost material or other agricultural product or material, which means that all that sludge that is treated in some way is created equally, which it's not equal. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Mr. Speaker. Sorry to rise a second time but the taxpayers will be the ones that are going to be paying for this, we always do and PFAS in itself, we are not striking the root here. Unless we strike the root, PFAS will remain in all waste and it's probably safer in the sludge, I would say, since it's processed, but this will continue. As I said before, earlier in the week, that the federal

government is dealing with this. This is a national problem, it's not just a Maine problem and it's the companies that are using the PFAS chemicals that really need to step up and stop them. And another consideration that I thought of with the Juniper Ridge landfill which is rather frightening to me, the Penobscot River is just a couple miles away. Is it really a wise idea to concentrate all of that sludge into that landfill so it can wick and be in the Penobscot River? I think that might be a little bit of a problem. Thank you, Mr. Speaker.

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

ROLL CALL NO. 574

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, Kinney, Landry, LaRochelle, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCREA, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, Newman, O'Connell, O'Neil, Osher, Parry, Paulhus, Pebworth, Perry A, Perry J, Pierce, Pluecker, Poirier, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Stover, Supica, Madam Speaker, Tepler, Terry, Tucker, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

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

ABSENT - Bernard, Carlow, Cebra, Costain, Faulkingham, Grignon, Haggan, Millett, Roche, Rudnicki, Sharpe, Sylvester.

Yes, 85; No, 50; Absent, 12; Vacant, 4; Excused, 0.

85 having voted in the affirmative and 50 voted in the negative, 4 vacancies with 12 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

At this point, pursuant to his authority under House Rule 401.1, the Chair assigned Representative COSTAIN of Plymouth to Seat 152 and Representative SHARPE of Durham to Seat 121.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-554)** on Bill "An Act Concerning Sexual Misconduct on College Campuses" (S.P. 572) (L.D. 1727)

Signed:
Senator:

RAFFERTY of York

Representatives:

BRENNAN of Portland
CROCKETT of Portland

DODGE of Belfast
McCREA of Fort Fairfield
MILLETT of Cape Elizabeth
SALISBURY of Westbrook

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-555)** on same Bill.

Signed:
Senator:

WOODSOME of York

Representatives:

LYMAN of Livermore Falls
ROCHE of Wells
SAMPSON of Alfred
STEARNS of Guilford

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-554)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-554)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-554)** in concurrence.

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

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

Representative **PAULHUS**: Thank you, Mr. Speaker. I just wanted to just take a moment. I know we do a lot of work in here and debate a lot of things but I just want to take a moment today that historically, as most people know, that I'm interested in history and like to share some of that knowledge real quickly. April 15th, of course, was the anniversary of the Great Emancipator's death in 1865. And, of course, Maine just missed having the 17th President by about six weeks. Lincoln's first vice president, of course, was Hannibal Hamlin. Also, on this date, Jackie Robinson debuted with the Brooklyn Dodgers and integrated the Major League Baseball. And I say these things because I believe that April is a good, a lot of people think about other months and stuff in connection with history and I believe April is really the month that people should look at because of the historical nature of happens, if you just take this one week, you know, the Civil War started and ended on the 9th and the 12th, FDR passed away on April 12th, President Jefferson was born on April 13th, of course Lincoln as I just mentioned and the list goes on and of course

we have the American Revolution start and we have Patriot's Day next week. So, also for Maine, the first State elections for the first legislature and the first chief executive were held in April. And, you know, we do a lot of work in this building, the votes we take, the things that we do are recorded for history and I think sometimes we forget that. In the old U.S. Capitol chamber of the House of Representatives, you can still see the goddess Cleo and the open book. She was the Goddess of History and she would watch over the members of the congress as they debated and people would look up there knowing that she was writing new pages and paragraphs to history. And so, I think it's just a good reminder. We don't have the Goddess Cleo in this chamber but we do have more 21st century ones with the cameras and our voting boards. And so, it's just a gentle reminder to all of us that even though, you know, we talk about and debate many things, we are Mainers.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Underwood, who wishes to address the House on the record.

Representative **UNDERWOOD**: Yes, I'd like to be recorded on the record, LD 2030 as a yea.

On motion of Representative DUNPHY of Old Town, the House adjourned at 1:24 pm until 10:00 a.m., Monday, April 18, 2022.