

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Thirtieth Legislature
State of Maine

Daily Edition

Second Regular Session
beginning January 5, 2022

beginning at Page 1311

**STATE OF MAINE
ONE HUNDRED AND THIRTIETH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Wednesday
April 13, 2022

Senate called to order by President Pro Tem James F. Dill of Penobscot County.

Prayer by Rabbi Bill Siemers of Congregation Beth Israel of Bangor.

RABBI SIEMERS: As people across the state rise to set out on their journeys, people of faith and conscience seek to leave today a little better than yesterday. As Jews prepare for the celebration of liberation, Christians for the miracle of rebirth and resurrection, and as Muslims fast and feast, we ask that the source of all bless this gathering today. Bless all who are engaged in the sacred task of making this world a better place. Stand with us as we speak our best truth. Direct our hearts to listen carefully to those who challenge us. May we always be aware of the humanity that is within each of us and the stamp of divinity that is upon all of us. We ask this of the one who showers our world with blessings every day, every moment, with gratitude. May we say Amen.

Pledge of Allegiance led by Senator Susan A. Deschambault of York County.

Reading of the Journal of Tuesday, April 12, 2022.

Off Record Remarks

The Following Communication: S.C. 1259

**STATE OF MAINE
130TH LEGISLATURE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE**

April 13, 2022

Honorable Darek M. Grant
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary Grant,

Pursuant to my authority under Senate Rule 201.3, please be advised that I appoint the Senator from Penobscot County, Senator James Dill to serve as President Pro Tem and convene the Senate on Wednesday, April 13, 2022.

Please let me know if you have any questions.

Sincerely,

S/Troy D. Jackson
President of the Senate

READ.

Senator **FARRIN** of Somerset requested a Division. Less than one-fifth of the members responding, a Division was not in order.

PLACED ON FILE.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

An Act To Update the Comprehensive State Energy Plan To Achieve the State Energy Vision

H.P. 1497 L.D. 2015

In Senate, April 12, 2022, on motion by Senator **LAWRENCE** of York, Report "**B**", **OUGHT NOT TO PASS, READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby Report "**A**", **OUGHT TO PASS AS AMENDED, READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-967)**.

On motion by Senator **VITELLI** of Sagadahoc, the Senate **INSISTED**.

COMMUNICATIONS

The Following Communication: S.C. 1258

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE**

April 12, 2022

Honorable Darek Grant
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Grant,

Pursuant to my authority under Title 1, MRSA, Ch. 13, Subchapter 1, §411.2-L, I am pleased to appoint Honorable Kimberly Monaghan to the *Right to Know Advisory Committee* effective immediately.

Ms. Monaghan will serve as a member who represents the public.

Should you have questions regarding this appointment, please do not hesitate to contact my office.

Sincerely,

S/Ryan M. Fecteau
Speaker of the House

READ and ORDERED PLACED ON FILE.

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Madysen Picard, of Frenchville, a senior at Wisdom High School, 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;

SLS 941

Sponsored by President JACKSON of Aroostook.
Cosponsored by Representative: MARTIN of Sinclair.

The Joint Order was **READ**.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just wanted to rise today and recognize Madysen Picard for her great work being an outstanding scholar and her outstanding citizen achievement. I just got a chance to meet with Madysen this morning but I do know her family. Her father at one time - her parents at one time ran a place where they actually raised trout, which is unbelievable thing for me. I always enjoyed that so much, to go there and I always had the urge to reach in and grab them while I was there. But since that time he's actually become the Town Manager in Madawaska, which is at times a very hard job, and the family has just incredible character and I know for a fact that that goes down to the children. So, for Madysen, you know, the work already in your young life, putting forward and being recognized, wicked proud to stand up today and recognize you as an outstanding scholar, outstanding citizen of the St. John Valley and the state. Like I said, I'm just really, really proud to, you know, represent you and your family because you've got a great one.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT PRO TEM: In the rear of the Chamber, I'd like to recognize Madysen, Elsi, Gary, and Jessica Picard. Would they all please rise and get the greetings of the Senate.

The Mattanawcook Academy Wrestling Team, of Lincoln, which won the Class B State Championship. We extend our congratulations and best wishes;

SLS 950

Sponsored by Senator ROSEN of Hancock.
Cosponsored by Representative: GIFFORD of Lincoln.

Jackson Sutherland, of Lincoln, a student at Mattanawcook Academy, who is the All State Wrestling Champion in the 170-pound Weight Class. We extend our congratulations and best wishes;

SLS 954

Sponsored by Senator ROSEN of Hancock.
Cosponsored by Representative: GIFFORD of Lincoln.

Deegan Tidswell, of Lincoln, a student at Mattanawcook Academy, who is the State Wrestling Champion in the 113-pound Weight Class. We extend our congratulations and best wishes;

SLS 955

Sponsored by Senator ROSEN of Hancock.
Cosponsored by Representative: GIFFORD of Lincoln.

Isaac Hainer, of Lincoln, a student at Mattanawcook Academy, who is the State Wrestling Champion in the 182-pound Weight Class. We extend our congratulations and best wishes;

SLS 956

Sponsored by Senator ROSEN of Hancock.
Cosponsored by Representative: GIFFORD of Lincoln.

Cole Albert, of Burlington, a student at Mattanawcook Academy, who is the All State Wrestling Champion in the 120-pound Weight Class. We extend our congratulations and best wishes;

SLS 957

Sponsored by Senator ROSEN of Hancock.
Cosponsored by Representative: JAVNER of Chester.

The Joint Orders were **READ**.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you, Mr. President Pro Tem. Ladies and gentlemen of the Senate, thank you for this opportunity to welcome the Mattanawcook Academy wrestling team, who won the Class B State Championship. I know at least one Senator in here who knows a thing or two about wrestling. I'm sure you all would agree wrestling requires a great deal of dedication for success. Battling through the pandemic the last couple of years and coming out on top speaks volumes to not only the team's success but their individual achievements. Each wrestler is to be commended for their accomplishments but I'd like to recognize

Isaac Hainer and Deegan Tidswell who are State Champions in their weight classes and also Cole Albert and Jackson Sutherland who are All State Champions in their weight classes. Finally, Coach Matt Lindsay certainly deserves to be recognized for leading these young men, I'm sure on and off the mat. Congratulations Mattanawcook Academy Lynx.

The Joint Orders were **PASSED**.

Sent down for concurrence.

THE PRESIDENT PRO TEM: Up in the balcony, I would like to have the Mattanawcook wrestling team please stand and be recognized by the Senate for their achievements.

Joint Resolutions

On motion by Senator **POULIOT** of Kennebec (Cosponsored by Representative LYMAN of Livermore Falls and Senators: BLACK of Franklin, FARRIN of Somerset, GUERIN of Penobscot, STEWART of Aroostook, TIMBERLAKE of Androscoggin, Representatives: CONNOR of Lewiston, DILLINGHAM of Oxford, MORRIS of Turner), the following Joint Resolution:

S.P. 749

JOINT RESOLUTION RECOGNIZING MAY 1, 2022 TO MAY 7, 2022 AS MAINE HOME EDUCATION WEEK

WHEREAS, the Maine Legislature is committed to excellence in education and recognizes the importance of family participation and parental choice in the pursuit of that excellence; and
WHEREAS, families that choose the option of educating students at home make many sacrifices, and the number of students in the State who are being homeschooled has increased during the COVID-19 pandemic, with mothers, fathers, grandparents and other caregivers educating these students; and
WHEREAS, excellent individualized preparation for citizenship and life work can be provided by home education; and
WHEREAS, homeschoolers in the State will be celebrating home education from May 1, 2022 to May 7, 2022, the 35th consecutive year Maine homeschoolers will have celebrated home education; 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 declare the week of May 1, 2022 to May 7, 2022 as Maine Home Education Week.

The Joint Resolution was **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Pouliot.

Senator **POULIOT:** Thank you, Mr. President Pro Tem. You're doing a great job. Mr. President Pro Tem, ladies and gentlemen of the Senate, it was about 11 years ago, in 2011, when we passed legislation to give parents more choices by allowing charter schools in Maine. Since then, charter schools and other schooling alternatives have been an important option for parents.

To this day, the charter schools in Maine play an important role for nearly 3,000 students. However, there's been another choice for parents that is even older than that. You could say it was the original choice parents had going all the way back to the earliest times of modern civilization. It was the choice of parents to instruct their own children. Now recognized in its 35th year, nearly 7,000 students are taught at home and that number grew by over 71% during the pandemic as parents were forced to stay home since their children were forced to stay home as well. For many parents it was their only choice. Today we recognize the empowerment of giving parents a greater say in how their children learn, what they're taught, and the importance that has for Maine families. Thank you, Mr. President Pro Tem.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Guerin.

Senator **GUERIN:** Thank you, Mr. President Pro Tem, and thank you, ladies and gentlemen of the Senate. I want to congratulate my fellow homeschoolers. I homeschooled my children for over two decades and am very pleased with the results there. I look forward to the day when homeschoolers will be able to take their tax education dollars and put them to very good use in their home education and, until that time, Godspeed in your worthy endeavors as homeschoolers.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Keim.

Senator **KEIM:** Thank you, Mr. President Pro Tem. It's an honor to stand in support and alongside homeschoolers of Maine. I also was a homeschool family and it was such a privilege to be able to keep my children with me and enjoy a lot of togetherness and special moments that never could have happened with the busyness of public school schedules or away from home school schedules. I know that taking on the extra weight and responsibility of not only parenting but then adding education of your child on top of that is truly a large weight. You wonder if you're really going to mess up your kids and, fortunately, I didn't but was nerve-wracking to undertake for sure but the blessings were incredible. So, I congratulate the families in Maine that do take this on. I know that it's unique and not everyone is called to do it but for those that do it's an incredible way of life and so it's an honor, as I said, just to stand in support of them today.

The Joint Resolution was **ADOPTED**.

Sent down for concurrence.

THE PRESIDENT PRO TEM: The Chair would like to recognize in the rear of the Chamber Carrie Davila, Arianna Davila, Christina Davila, and Vивиanna Davila. Would they please rise and accept the greetings of the Chamber.

THE PRESIDENT PRO TEM: The Chair would like to also recognize in the rear of the Chamber Olie Saywell, Jan Kruger, Mark Pizey, Morgan Hinkley, Scott Hamann. Would they please rise and accept the greetings of the Chamber.

On motion by Senator **CARNEY** of Cumberland, the following Joint Resolution:

S.P. 750

**JOINT RESOLUTION
RECOGNIZING MAY 2022 AS CYSTIC FIBROSIS
AWARENESS MONTH**

WHEREAS, cystic fibrosis, commonly referred to as "CF," is a genetic disease affecting over 31,000 children and adults in the United States and over 70,000 children and adults worldwide; and **WHEREAS**, a defective gene known as CFTR causes the body to produce an abnormally thick, sticky mucus that clogs the lungs, and these secretions produce life-threatening lung infections and obstruct the pancreas, preventing digestive enzymes from reaching the intestines to help break down and absorb food; and **WHEREAS**, more than 10 million Americans are symptomless carriers of the defective CFTR gene; and **WHEREAS**, the median predicted age of survival for a person with CF is 50 years; and **WHEREAS**, the number of adults with CF has steadily grown, and approximately 700 new cases of CF are diagnosed each year; and **WHEREAS**, 57 percent of the CF population is 18 years of age and older, and people with CF have a variety of symptoms attributed to the more than 2,000 variants in the CFTR gene; and **WHEREAS**, infant blood screening to detect genetic defects is the most reliable and least costly method to identify persons likely to have CF; and **WHEREAS**, early diagnosis of CF permits early treatment and enhances quality of life and longevity, and the treatment of CF depends on the stage of the disease and the organs involved; and **WHEREAS**, clearing mucus from the lungs is an important part of the daily CF treatment regimen, and other types of treatments include inhaled antibiotics and pancreatic enzymes, among others; and **WHEREAS**, there are 3 world-class treatment centers in this State that specialize in the diagnosis of CF and the care of persons with CF; and **WHEREAS**, a critical component of treating patients with CF is access to innovative treatments that can play a crucial role in the lives of patients with CF; and **WHEREAS**, improving the length and quality of life for people with CF starts with awareness; 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 2022 as Cystic Fibrosis Awareness Month.

The Joint Resolution was **READ**.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Carney.

Senator **CARNEY**: Thank you, Mr. President Pro Tem. Colleagues in the Senate, I just want to point out what a success story in many ways treatment in CF has been for Maine families and healthcare providers. They have all worked so hard to find that perfect combination of diet, physical therapy, exercise, and

medical treatment that allows people who were born with CF during my children's generation to live long, healthy, active lives. My kids' friends, kindergarten classmates, who have CF are now adults. They're married. They have jobs. They have little children running around their houses. That's something that wasn't imaginable for kids who were in my generation and so I just ask us to, you know, appreciate the seriousness of the disease and also be grateful for all of the hard work that has gone into providing effective care for people with CF now. Thank you.

The Joint Resolution was **ADOPTED**.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Update the Laws Regarding the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf"

H.P. 1216 L.D. 1632

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-995)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-995)**.

Report **READ** and **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-995) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Senate at Ease.

The Senate was called to order by President Pro Tem **JAMES F. DILL** of Penobscot County.

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Limit Eligibility for Commercial Menhaden Fishing Licenses"

H.P. 1414 L.D. 1908

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-990)**.

Signed:

Senators:

MAXMIN of Lincoln
ROSEN of Hancock

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-991)**.

Signed:

Senator:

MIRAMANT of Knox

Representatives:

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

Comes from the House with the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-990)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-990)**.

Reports **READ**.

Senator **MIRAMANT** of Knox moved the Senate **ACCEPT** the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-990)** Report, in concurrence.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT:** What an experience.

THE PRESIDENT PRO TEM: The Majority? Just so we're correct.

Senator **MIRAMANT:** Yup. The Majority Ought to Pass.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Knox, Senator Miramant. I think all Senators are from Knox, correct?

Senator **MIRAMANT:** Everybody is. Honorarily. Thank you, Mr. President Pro Tem, again. So, I'm on the Minority Report and there's some good reasons but, just to keep it brief, this - we need something and, as a Commissioner on the United States Marine

Fishery Commission, I will point out that we really tried to do something and will call this an intermediate step and we'll try to make sure the Department gets very accurate reporting and we keep the season where it should be and try to make it fair. I see some problems but I do not want this to die between the Bodies, if I'm allowed to say that, I don't know, but we need something desperately to make sure this isn't another fishery like shrimp or something down the road. So, that's the reason and I don't know what else to say. Thanks.

On motion by Senator **MIRAMANT** of Knox, the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-990)** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-990) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-990)**, in concurrence.

Divided Report

Six Members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Criminal Services for Juveniles"

H.P. 561 L.D. 756

Reported in Report **"A"** that the same **Ought to Pass as Amended by Committee Amendment "A" (H-940)**

Signed:

Representatives:

WARREN of Hallowell
LOOKNER of Portland
MORALES of South Portland
PLUECKER of Warren
RECKITT of South Portland
SHARPE of Durham

Six Members of the same Committee on the same subject reported in Report **"B"** that the same **Ought Not to Pass**.

Signed:

Senators:

DESCHAMBAULT of York
CYRWAY of Kennebec

Representatives:

COSTAIN of Plymouth
NEWMAN of Belgrade
PICKETT of Dixfield
RUDNICKI of Fairfield

Comes from the House with Report "**A**", **OUGHT TO PASS AS AMENDED**, **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-940)**.

Reports **READ**.

On motion by Senator **DESCHAMBAULT** of York, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF ANY REPORT**.

Senate

Ought to Pass As Amended

Senator **CHIPMAN** for the Committee on **TAXATION** on Bill "An Act To Clarify the Exemption from Income Tax and Withholding Tax Liability for Certain Out-of-state Suppliers of Spirits Purchased by the Bureau of Alcoholic Beverages and Lottery Operations"

S.P. 671 L.D. 1937

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-548)**.

Report **READ** and **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-548) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Emergency Measure

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

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

On motion by Senator **BREEN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**, in concurrence.

Emergency Measure

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

The Chair noted the absence of the Senator from York, Senator **RAFFERTY**, and further excused the same Senator from today's Roll Call votes.

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tem, was presented by the Secretary to the Governor for approval.

Emergency Measure

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

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

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with 1 Senator having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tem, was presented by the Secretary to the Governor for approval.

Emergency Measure

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

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

On motion by Senator **DAUGHTRY** of Cumberland, placed on the **SPECIAL STUDY TABLE** pending **ENACTMENT**, in concurrence.

Emergency Resolve

Resolve, Directing the Public Higher Education Systems Coordinating Committee To Convene a Stakeholder Group To Study Equity in and Access to Early College Programs
H.P. 1390 L.D. 1880
(C "A" H-972)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and, having been signed by the President Pro Tem, was presented by the Secretary to the Governor for approval.

Emergency Resolve

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

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

On motion by Senator **DAUGHTRY** of Cumberland, placed on the **SPECIAL STUDY TABLE** pending **FINAL PASSAGE**, in concurrence.

Acts

An Act To Facilitate a Grade 9 to 16 School Project

H.P. 129 L.D. 176
(C "A" H-969)

An Act Relating to the Valuation of Improved Real Property

H.P. 807 L.D. 1129
(H "A" H-934 to C "A" H-788)

An Act To Create the Maine Redevelopment Land Bank Authority

H.P. 1259 L.D. 1694
(C "A" H-957)

An Act To Improve the Temporary Assistance for Needy Families Program and To Improve the So-called Leveraging Investments so Families Can Thrive Report

S.P. 604 L.D. 1748
(C "A" S-533)

An Act To Create a Commercial Halibut Fishing License

H.P. 1321 L.D. 1770
(C "A" H-979)

An Act To Allow the State's Adult Use Marijuana Tracking System To Track Plants and Products by Group

H.P. 1350 L.D. 1817
(C "A" H-966)

An Act To Codify MaineCare Rate System Reform

H.P. 1377 L.D. 1867
(C "A" H-968)

An Act To Promote Equity and Increase Opportunities in the Cannabis Industry by Reducing Restrictions Related to Convictions for Drug Offenses and To Replace the Term "Marijuana" with the Term "Cannabis" in the Maine Revised Statutes

H.P. 1457 L.D. 1957
(C "A" H-980)

An Act To Increase Learning Potential by Providing Innovative Instruction and Tutoring Program Grants

S.P. 700 L.D. 1962
(C "A" S-532)

An Act To Amend the Judicial Districts and Divisions for York County

S.P. 733 L.D. 2022
(C "A" S-535)

PASSED TO BE ENACTED and, having been signed by the President Pro Tem, were presented by the Secretary to the Governor for approval.

An Act Relating to the Distribution of State Revenue from the Real Estate Transfer Tax

S.P. 190 L.D. 484
(C "A" S-537)

On motion by Senator **BREEN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**, in concurrence.

An Act Governing the Sale, Purchase, Removal, Transport and Disposal of Catalytic Converters Removed from Motor Vehicles, Governing Scrap Metal Processors and Creating the Motor Vehicle Services Fund

S.P. 61 L.D. 796
(C "A" S-539)

On motion by Senator **BREEN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**, in concurrence.

An Act To Protect the Reproductive Rights and Freedoms of Maine People

S.P. 156 L.D. 811
(C "A" S-534)

On motion by Senator **BREEN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**, in concurrence.

An Act To Establish the Trust for a Healthy Maine

H.P. 1127 L.D. 1523
(C "A" H-945)

On motion by Senator **BREEN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**, in concurrence.

An Act To Provide Funding for the Provision of Services According to the So-called Intensive Care Coordination Using High Fidelity Wraparound Model

H.P. 1371 L.D. 1850
(C "A" H-970)

On motion by Senator **BREEN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**, in concurrence.

An Act To Increase Maine's Veterinary Workforce

H.P. 1395 L.D. 1885
(C "A" H-963)

On motion by Senator **BREEN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**, in concurrence.

An Act To Authorize Certain Off-premises Sales of Adult Use Marijuana Products

H.P. 1434 L.D. 1927
(C "A" H-965)

On motion by Senator **BREEN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**, in concurrence.

An Act To Provide Property Tax Relief for Permanently and Totally Disabled Veterans

H.P. 1472 L.D. 1986
(C "A" H-964)

On motion by Senator **BREEN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**, in concurrence.

An Act To Implement the Recommendations of the Working Group To Review the Process for Ongoing Review of Tax Expenditures by the Legislature

S.P. 721 L.D. 2009
(C "A" S-538)

On motion by Senator **BREEN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**, in concurrence.

An Act To Permit Curbside Pickup and Limited Delivery of Adult Use Marijuana

H.P. 1360 L.D. 1827
(C "A" H-961)

Senator **POULIOT** of Kennebec requested a Division.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Cyrway.

Senator **CYRWAY:** Thank you, Mr. President Pro Tem. I'd just like to speak to the motion on this.

THE PRESIDENT PRO TEM: The member may proceed.

Senator **CYRWAY:** Thank you, Mr. President Pro Tem. Ladies and gentlemen of the Senate, I just wanted to point out that this widens the scope of medical marijuana into, you know, as far as this is also including recreational to make deliveries and I believe that we've all taken an oath to uphold the laws of federal and state laws and this is - this would be a federal violation, delivering recreational marijuana to home and this is against federal law. So, we would actually be voting here to allow a law to be broken and be drug dealers, delivering to homes. So, I am against this bill and I hope you follow my lead and uphold the federal law that we have sworn to. Thank you, Mr. President Pro Tem.

At the request of Senator **POULIOT** of Kennebec a Division was had. 16 Senators having voted in the affirmative and 14 Senators having voted in the negative, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tem, was presented by the Secretary to the Governor for approval.

An Act To Require the Registration of Adjuvants in the State and To Regulate the Distribution of Pesticides with Perfluoroalkyl and Polyfluoroalkyl Substances

H.P. 1501 L.D. 2019
(H "A" H-950 to C "A" H-930)

On motion by Senator **POULIOT** of Kennebec, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

An Act To Enhance the Prevention of and Response to Sexual Assault and Sexual Harassment in the Maine National Guard

H.P. 1511 L.D. 2029
(C "A" H-974)

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Hickman.

Senator **HICKMAN:** Thank you, Mr. President. In regard to item 7-28, An Act to Enhance the Prevention of and Response to Sexual Assault and Sexual Harassment in the Maine National Guard, I wish to speak to the enactment.

THE PRESIDENT PRO TEM: The Senator may proceed.

Senator **HICKMAN:** Mr. President, women and men of the Senate, one must say yes to life and embrace it wherever it is found and it is found in terrible places for nothing is fixed forever and forever it is not fixed. The earth is always shifting. The light is always changing. The sea does not cease to grind down rock. Generations do not cease to be born and we are responsible to them because we are the only witnesses they have. The sea

risers, the light fails, lovers cling to each other, and children cling to us. The moment we cease to hold each other, the moment we break faith with one another, the sea engulfs us and the light goes out. Those profound and timeless words by my favorite American author, James Baldwin, this urgent call of wisdom and purpose and determination has guided me from the moment I read them. They certainly helped guide the proceedings in our committee of this legislation. The Chief Executive, the Attorney General, the Adjutant General, all the members of the Veterans and Legal Affairs Committee, with advice and input from Sisters at Arms, MECASA, the District Attorney of Kennebec and Somerset Counties, we came together to keep faith with all of the members who put on a uniform to serve our great nation with this landmark piece of legislation. I just want to recognize the fearless leadership of freshman lawmaker, the Representative from Westbrook, Representative Rielly, whose legislation produced the report that authorized the committee to report out this legislation and I also want to recognize, most importantly, the bravery and courage of the victims and survivors of sexual assault in the Maine National Guard who came before the committee to tell us their stories. On the morning of the public hearing only one person had agreed to take that step and testify but when I asked attendees to raise their hands in order to testify in favor of the bill for the portion of testimony that would be for survivors and victims of sexual assault more than half a dozen hands were raised. Their testimony took our breath away. As the Adjutant General said, it was a punch in our guts. So, we worked the bill for five hours later in the week and the result was a unanimous committee report that will let all of us know that we can do better, we must do better. All of the survivors who testified made it very clear that the organization known as the Maine National Guard is their passion. They want it to be right. They want to make sure that everyone who serves has an opportunity to have a fruitful and honorable career in the military and I just want the women and men of the Senate, Mr. President, to understand that we are doing a great thing here by keeping faith with those who need us the most. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Somerset, Senator Farrin.

Senator **FARRIN:** Thank you, Mr. President. I'd just like to take a couple of moments to add on to what my colleague just spoke about on this bill and, yes, there was a gut punch as we heard some of the testimony from this but, as also was pointed out, I just share this with the members that we have responsibility, that half a dozen members did come from forward. Some of from the past. Things have changed. This is not just an issue that exists in the Maine National Guard. This is a societal issue. One abuse, sexual harassment, is one too many and, while this bill focuses on our Maine National Guard, this is a societal issue that comes from young men and young women that join the units and things have changed. We heard that testimony through this. We heard from the National Guard Bureau, with outside investigations and reports. We heard from the Adjutant General who is looking for more resources. The National Defense Act we just passed, we're looking at like five more positions in the State of Maine to deal with suicide, sexual harassment, and other things. But the one thing I don't want to take focus off, out of almost 3,500 members that are your neighbors, family members, that wear that uniform 99.9% of them wear that uniform and raise their hand to defend two Constitutions, the State of Maine and the federal

Constitution, to protect and defend us every day and they do it with honor and distinction. While this is very important and is a great step forward, we also need to recognize the great work that majority of the folks do. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT:** Thank you, Mr. President Pro Tem and colleagues. I worked on this with my colleagues here and it was a big lift and not because we didn't have support from the folks that needed to do the lifting at the Guard, and I know this is going through so I'll keep it quick. We did identify that there are two problems. It's endemic that they do not keep privacy from the people that they tell there will be privacy if they make reports. That's a big one. They also pointed out, and I don't know where they're going to solve this one, and you should know this and the public should know this, if someone is in the Guard and reports sexual harassment or assault that is supposed to be investigated by local police. There's this weird mix of military justice and local. These are supposed to be investigated by the local police but the local police have an assumption, that was reported to us by the Guard folks, that it will be done by the Guard through the military justice and they don't pursue it the way it's supposed to be done. It felt like a quagmire that needs to be addressed and I hope they do. But don't just assume that it will be done under the Code of Military Justice. Make sure your communities, if they are involved in this, know that the local police have to deal with it. Thank you.

PASSED TO BE ENACTED and, having been signed by the President Pro Tem, was presented by the Secretary to the Governor for approval.

Off Record Remarks

Resolves

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

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

FINALLY PASSED and, having been signed by the President Pro Tem, were presented by the Secretary to the Governor for approval.

All matters thus acted upon were ordered sent down forthwith for concurrence.

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Aroostook, Senator **JACKSON**, to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Penobscot, Senator **DILL**, to his seat on the Floor.

The Senate was called to order by the President.

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later Assigned (4/7/22) matter:

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Enact the Maine Data Collection Protection Act"
H.P. 669 L.D. 913

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-905)** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - April 7, 2022 by Senator **DAUGHTRY** of Cumberland

Pending - **ACCEPTANCE** of the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

(In House, April 5, 2022, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-905)**.)

(In Senate, April 7, 2022, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **FAILED**.)

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/11/22) matter:

HOUSE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Provide More Options to Maine Electric Service Customers and Support Maine's Climate Goals"

H.P. 222 L.D. 318

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-918)** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - April 11, 2022 by Senator **VITELLI** of Sagadahoc

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 7, 2022, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-918) AS AMENDED BY HOUSE AMENDMENT "A" (H-955)** thereto.)

(In Senate, April 11, 2022, Reports **READ**.)

On motion by Senator **LAWRENCE** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-918) **READ**.

House Amendment "A" (H-955) to Committee Amendment "A" (H-918) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-918) as Amended by House Amendment "A" (H-955) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-918) AS AMENDED BY HOUSE AMENDMENT "A" (H-955)** thereto, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/12/22) matter:

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Provide Passamaquoddy Tribal Members Access to Clean Drinking Water" (EMERGENCY)

H.P. 662 L.D. 906

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-984)** (6 members)

Report "B" - **Ought Not to Pass** (5 members)

Report "C" - **Ought to Pass as Amended by Committee Amendment "B" (H-985)** (2 members)

Tabled - April 12, 2022 by Senator **CARNEY** of Cumberland

Pending - **ACCEPTANCE OF ANY REPORT**

(In House, April 12, 2022, Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-984)**, READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-984)**.)

(In Senate, April 12, 2022, Reports **READ**.)

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-984)**, in concurrence.

On motion by Senator **POULIOT** of Kennebec, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Carney.

Senator **CARNEY:** Thank you, Mr. President. I rise in support of the pending motion. Colleagues of the Senate, L.D. 906 is urgent legislation that's needed to address a problem that should not happen in Maine, should not really happen anywhere in the 21st Century. The Passamaquoddy - members of the Passamaquoddy Tribe at Pleasant Point do not have access to clean drinking water. The source of water supplied to the tribe by the Passamaquoddy Water District is a reservoir that's filling up with sediment from the surrounding land. Run-off from rain and wind driven debris go into the reservoir and it is measurably shallower each year. During certain times of the year the water is brown with sediment. It has a foul odor, color, and taste. The water is not safe to drink and often is not usable for even ordinary household purposes.

I want to explain in a little bit of detail what this bill does to that members can understand how it will resolve this urgent problem. First of all, it makes changes to the charter for the Passamaquoddy Water District. The Passamaquoddy Water District is a quasi-municipal district. It is governed according to a charter that was created by a public law in 1983. It's not owned by the Passamaquoddy Tribe. There are elected board members who make the decisions regarding the Passamaquoddy Water District. It serves the town of Perry, the city of Eastport, and the Passamaquoddy Reservation at Pleasant Point, although only the city of Eastport and the Passamaquoddy Reservation uses the Passamaquoddy Water District for residential water. This quasi-municipal water district does not have the financial resources it needs to provide clean drinking water. One reason the district can't provide the clean drinking water is that, unlike every other water district in Maine, it is not tax exempt. Most recently both the Passamaquoddy Tribe and the State of Maine have spent literally hundreds of thousands of dollars to install a filtration system that will improve the quality of water but not fix the problem. Going forward, the Passamaquoddy Water District will need to replace filters regularly and these costs - these will cost tens of thousands of dollars each year. No one is asking the town of Perry or the city of Eastport to help pay for the system or the filters but this legislation amends the Passamaquoddy Water District charter to make the district exempt from property taxes

like every other water district and that tax exempt status will provide enough money to replace the filters when they are too dirty to clean the water.

The second thing L.D. 906 does is that it is directed - let's see, is to help address the fundamental issue of the reservoir, the surface water source for the Passamaquoddy District, filling up with sediment. The Passamaquoddy Tribe owns two parcels of land that are a potential source of water. They would like to put these parcels into federal trust status with the U.S. Department of the Interior. These two parcels would be available for use by the tribe as a new source, to ensure that the tribe has access to clean drinking water.

The third provision to which - relates to which government entity has jurisdiction to regulate drinking water on the Passamaquoddy Reservation at Pleasant Point. This legislation gives the Passamaquoddy Tribe the discretion to pursue three different paths forward for future regulation of the water on tribal land. The Passamaquoddy Tribe can enter into an inter-government agreement, establishing concurrent state and tribal jurisdiction to regulate the water. The Passamaquoddy Tribe could exercise exclusive authority to regulate the water within Passamaquoddy territory or, third, the Passamaquoddy Tribe could seek treatment as a state status with the U.S. Environmental Protection Agency in order to implement the Federal Safe Drinking Water Act within the Passamaquoddy territory. This last path, treatment as a state, would open up federal funding to the Passamaquoddy Tribe to build the infrastructure needed to get clean water from either the two parcels that the tribe currently owns or from another source to members of the Passamaquoddy Tribe at Pleasant Point.

We all need clean drinking water, everyone in our state. I ask my colleagues to be future and solution oriented in considering this legislation. L.D. 906 is a clear and implementable path to getting clean drinking water to the Passamaquoddy Tribe at Pleasant Point. I urge my colleagues to vote in support of the pending motion.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Moore.

Senator **MOORE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise to express my concerns and provide additional information regarding L.D. 906. I begin by saying everyone deserves to have access to good, reliable, clean drinking water. Numerous laws, federally and in Maine, along with numerous drinking water regulations, are in place to preserve these rights. Nobody is arguing against the need for clean water for the Passamaquoddy Water District customers in Perry, Pleasant Point, and Eastport. This is not only a tribal issue. It's a regional issue. As Senator Carney explained, currently the Passamaquoddy Water District was created as a quasi-municipal district in 1983 to provide water service to Pleasant Point and to Eastport. As she mentioned, the source of water is Boyden Lake and its watershed, which is located in Perry. The water is drawn from Boyden Lake and treated at the Passamaquoddy Water District's water treatment plant. From the treatment plant the treated water is pumped into the transmission main which carries water about three miles to Pleasant Point and an additional 3.2 miles to Eastport. An average of 200,000 gallons per day is treated and pumped for distribution. There is a total of 21 miles of distribution system piping, ranging in size from 1" to 10" in diameter. The water district also has two storage facilities, one in

Pleasant Point which holds 347,000 gallons of water and one in Eastport which holds 365,000 gallons of water. From the standpipes, water is further distributed to customers via water pipes owned by the water district in Eastport and by the tribe in Pleasant Point. In 2014, the Town of Perry voters enacted a large-scale water extraction ordinance to prevent unintended consequences of large-scale water extraction pumping tests which, historically, had caused several residential wells to run dry. As I understand, this ordinance applies to any one or any company who desires to do water extraction of more than 5,000 gallons per day. The Passamaquoddy Tribe currently owns two pieces of land in Perry that could potentially provide access to clean ground water sources that could serve the tribal and non-tribal Passamaquoddy Water District customers. These are the ones referenced in the bill. Due to the volume of water expected to be pumped to provide the service, the Town of Perry ordinance would be applicable. To date, the Town of Perry has not received an application for a permit to do pumping tests to confirm this presumption nor has there been any discussions with the town to remove the land from the tax rolls if placed into the Passamaquoddy Indian territory. I feel the tribes should respect and adhere to the ordinance in determining if the Perry offer is a reliable and workable source for clean drinking water for citizens in all three communities.

My concern with this bill also addresses the water quality throughout the reservation. Presently, the water district owns the primary water pipes throughout Eastport, which I mentioned, which were replaced several years ago as part of a major improvement project. However, the tribe owns the water pipes throughout the reservation and have been in place for quite some time. The new filtering system being placed at the treatment plant this June is being touted to greatly improve the filtering of the water from the stream. However, if the cleaner water is still being distributed through existing pipes throughout the reservation the existing poor water quality could still exist and I recall in Calais, when I became a City Counselor, we were told that we had to get off of St. Stephen water and find our own wells. It took several years to be able to do that. We found the wells and when we reversed the flow of the water all heck broke loose with the bad pipes that were in town, throughout the town. They reversed the water flow. We saw copper rust and everything you could think of and all of our white clothing became very, very rusty colored. The city had to find filters - bought filters, bought all kinds of different solutions that could help clear this out and we underwent a major project to change the water pipes in Calais, all because of reversing the direction of the water.

Finding an alternate water source, such as what might be available on the properties owned by the tribe, will still have to go through the existing pipes for distribution to the homes. Before we transfer land from the Town of Perry to the reservation, I feel we should press the pause button. My hope would be the Passamaquoddy Water District would work with the tribe and the Town of Perry to address these issues in a collaborative manner with open and mutually respectful communication and with an eye towards finding a solution that minimizes and mitigates negative impacts. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Brenner.

Senator **BRENNER:** Thank you, Mr. President. Colleagues of the Senate, with all due respect to my seatmate, I would say the

pause button has been pushed. We're here today because the Passamaquoddy Tribe does not have access to clean water because it's been leading a multi-year, multi-stakeholder effort to solve this complicated problem. Along the way, the tribe successfully attained grant funding from a variety of sources, increased water quality testing, begun public health data collection, funded studies to identify alternate supplies of water, developed new wells, and financed key infrastructure improvements at the Passamaquoddy Water District. In the past year alone, the tribe is responsible for the delivery of more than \$200,000 to help fund key upgrades at the local water district. This funding was made available to assist the tribe's ongoing ...

THE PRESIDENT: Senator Brenner, I'm sorry. Can you just defer. Your microphone either quit working or isn't working now. Okay, we're good to go.

Senator **BRENNER:** Alright. There are a number of systemic issues that need to be addressed in order to create real change for the future and it's time for the Legislature to act on this. The tribe wants to take any steps necessary to ensure clean drinking water for its citizens and neighbors. However, the tribe is constantly hindered by restrictions on its sovereignty and the financial restraints placed on the Passamaquoddy Water District under Maine law. Other tribes across the country do not experience these same roadblocks. Currently, the Passamaquoddy Water District sources water from the Boyden Reservoir. The depth of the lake has been diminished significantly over the years and drinking water comes from the bottom of the water body. The reservoir is fed by a lake that is heavily used for recreational and agricultural purposes and it's essentially a toilet bowl for water fowl. When the water containing fecal matter is disinfected for public use a carcinogenic group of chemicals called trimethylpentanes, THMs, can form. THMs can cause cancer, liver or kidney problems, reproductive difficulties, or other health effects. Sensitive groups of people, such as the young, elderly, pregnant women, and cancer patients, may be more susceptible to adverse health effects at any level of exposure to THMs. Certain times of the year drinking water at Pleasant Point and Eastport is also tainted by bad odor, poor taste, and discoloration. When water quality is particularly bad the tribe works with local partners and donors to deliver bottled water to households to reduce reliance on unsafe and unsightly drinking water. On the reservation's school there's a policy of not allowing students to consume municipal water supplied by the Passamaquoddy Water District and they've taken a variety of measures to ensure the availability of clean water to students and staff. Fluctuations in quality tend to be most stark in the summer when levels of the water are at their lowest and when the Passamaquoddy Water District and the reservoir and the lake that feed it are more susceptible to disturbances by wind, rain, and other weather events. A bad storm will almost always cause water delivered to the reservation to become discolored. Conditions will likely worsen with climate change and increased storm frequency and severity.

L.D. 906 will simply, rather than complicate - will simplify rather than complicate the existing jurisdictional framework. The Governor's Office has raised concerns that the jurisdictional provisions of L.D. 906 will do nothing but cause confusion but the opposite is true. The confusion faced in the recent past when attempting to utilize a new well to serve an on-reservation school is a perfect example. The school was built in the middle of the

pandemic, replacing an older school that had a policy of not allowing children to drink the water from the fountains because the fountains had municipal water that sometimes turned brown. When the new school was built the tribe wanted students to be able to actually drink the water from the fountains, imagine that. In order for this to be a reality, the school needed a clean source of water that they could always rely on. The tribe determined the issue was an internal tribal matter, not subject to state regulations, and they dug a well for the children. The State informed the tribe that it needed State approval to use on-reservation wells. In this example we're talking about the delivery of water entirely within tribal lands that serves children at a brand new, federally funded school on the reservation. This is not a clear example - if this is not a clear example of an internal tribal matter that should not be subject to State jurisdiction than I'm not sure what is. To ensure safe water was available for the school children the tribe agreed to have the school well permitted by the State on an interim basis until the jurisdictional disagreement could be resolved. L.D. 906 would resolve this jurisdictional disagreement. If L.D. 906 became law, the school well would fall under the EPA jurisdiction as drinking water systems on tribal lands across the country are typically regulated by the federal government. L.D. 906 will create new opportunities and remove unnecessary roadblocks in order to end a public health crisis. If 906 passes the tribe will work directly with the federal EPA to utilize and regulate new sources of clean drinking water. The shift will bring undivided attention to EPA to Passamaquoddy lands in a way that is simply not currently possible. Dedicated resources would be made specifically available to deal with safe drinking water issues. The tribe is in the process of completing a roadside well, located just across from the school, which will serve as a new public drinking supply on the reservation. The roadside well would be a second water system that would fall under EPA jurisdiction under the SDWA, the first being the school well. It is illogical to limit the full potential impact of this human rights legislation based on vague hypotheticals. While the concerns over jurisdictional - jurisdiction are hypothetical in nature, no one disputes that there's an issue with the quality of the drinking water at Point Pleasant. There are clear benefits in passing this legislation with the jurisdictional components included. Not only will there be an immediate impact but these provisions are critical to obtaining long-term solutions to the problem. The bottom line is the State should have no need to approve how the Passamaquoddy Tribe uses tribally own water located on tribally owned lands. This is a basic human right. It's about child welfare. It's about public health. Mr. President, I've seen this film before. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Bennett.

Senator **BENNETT:** Thank you, Mr. President. I request permission to ask a question through the Chair.

THE PRESIDENT: The Senator may proceed.

Senator **BENNETT:** It's an honest question. I'd really like to, as I've heard the stories on this situation, I'd like to know if there's any other place. Where else in Maine, in this blessed state, in the modern age, have there been the kind of chronic problems with the public drinking water supply that we have heard about today? Thank you.

THE PRESIDENT: The Senator from Oxford, Senator Bennett, has posed a question through the Chair for anyone who may answer. The Chair recognizes the Senator from Cumberland, Senator Sanborn.

Senator **SANBORN:** Thank you, Mr. President. I don't have a direct answer to my good friend's question but I have sort of an oblique answer and so I thought I would rise at this point in the debate to tell my story. I own a business where 95% of the product we produce is the amazingly delicious and clean water that flows from the taps in Portland, Maine. When I travel outside of Maine, and folks ask about why we have such a thriving brewing industry in the state of Maine, I tell them it's because Portland, Maine's municipal water is the best in the world. It tastes good. It is clean. It is wholesome and won't make you sick and it's because Maine has a beautiful natural environment, fantastic clean watersheds with woodlands and clean rivers and clean lakes and clean aquifers. Our Portland Municipal Water District takes advantage of the Sebago Lake watershed and is able to make it so that when I turn on the faucet at my home or at my business I drink water that is gorgeous. It's delicious. Every Mainer should have that right and, Mr. President, I'm not aware of Mainers that don't have access to delicious water through their municipality except for these horrific stories that I have heard coming out of Sipayik. So, when I joined the Judiciary Committee and start to learn more about this issue I just continued to go back to that sense of how shocking it is in 2022 that there are Mainers who don't have access to even potable water coming out of their faucets when I have water that's the best in the world. I know it exists in the aquifers of Maine. Let's make sure that we do everything we can as a Body to give access to it to all Mainers. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Keim.

Senator **KEIM:** Mr. President, ladies and gentlemen of the Senate, first, there's no one in this room today that doesn't want people to have access to clean water. It's absolutely essential and everyone recognizes that. But this bill is not about the access to clean water because the solution to the water issues for Pleasant Point are in a filtration system, as you heard already, that is about to be installed. So, there are issues with this bill, however, that need to be addressed that are somewhat different. One of them is the process by which this bill came to us. When I had a constituent come to me with a complaint about their neighbor's light being too bright, shining too brightly in their yard, they wanted me to put in a law about the light and make a law so you can't shine lights near a yard. I said 'Have you talked to your neighbor yet? Don't come to me. Go to your neighbor.' That simple step has never been done. So, what this bill seeks to do is to take land and put it into trust status in a manner unlike we have ever done in the State Legislature before, without local approval. This bill was a concept draft and the Town of Perry, not only were they not engaged on this issue, they didn't even find out about the language of this bill until 36 hours before a public hearing. They were given no good neighbor opportunity to even discuss solutions before it came to us and they also - this bill seeks to change the water district charter and, for those of you who have worked on State and Local Government, you know that a water district charter is a creature of the Legislature and we change

them all the time. But we don't do it when one customer comes to us and says 'We want the charter changed. We want any change to it at all.' They would go to the water district trustees and say 'We need to change and here is why' and they would go through that route and that's the proper process. So, for us, in this - as a State Body, to over step and overrule the local authority and the proper process that this bill and that these ideas and these solutions that are being presented to us, the proper process has been completely sidestepped. The reason that we were given of why they never went to the Town of Perry or to the water district is because we were told that they were discriminatory and racist. That is very concerning. It's very concerning and so I actually did reach out to people in Perry and talked to the people of Perry because I wanted to hear their story, which is something we didn't hear much in the Judiciary Committee at all because they were sort of caught flat footed by this. They didn't know it was coming. They didn't have time to discuss it and they weren't really prepared for being called discriminatory in a public setting. I would like to read to you a note from one of the residents of the town of Perry. He says, 'The need for clean water for the residents of Pleasant Point and Eastport is real. Thankfully, that need is being addressed by a state-of-the-art filtration system that has been approved and will be installed by the Passamaquoddy Water District this summer. In fact, if not for supply chain issues it would already be in place. So, with the water quality issues being addressed, why would the Legislature take the unprecedented step of singling out Perry as the only town in Maine deprived of the right to give its consent to converting tribal land to trust status? The Legislature has never before deprived a town of this right. It would establish a far reaching precedent. But to me,' the letter goes on to say, 'the most troubling aspect of the debate surrounding this legislation is the negative portrayal of the people of Perry by some proponents of the bill. Perry is a community where the ties of friendship and family run deep with our Passamaquoddy neighbors. I don't know a single person here who is unsympathetic to the need for clean, safe drinking water for either Pleasant Point or Eastport. They are our friends and neighbors. Please vote no to allow the filtration system to do its job to solve the water quality issues and allow the people of Perry the same right to give consent to trust status as every other municipality in Maine.' That is one letter that I've had but there are definitely other people who have reached out and who have said and shared similar sentiments. There is not a relationship problem, or at least there was not a relationship problem between the tribe and the town and they would like to engage and be part of the solution as has been, I know the Governor's Office in looking for solutions as well to this water quality issue, which everyone wants to solve and there are many people engaged in the process. So, I would ask us today that we consider the precedent that we're setting, that we would over step the process that we have established for good reason, to safe guard the rights of everyone, of all Maine people, and not only some and allow them to work through solutions as neighbors and then, once they need us to step in and help, that we would move at that point and consider it at that time. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Claxton.

Senator **CLAXTON:** Thank you, Mr. President. May I address the question to the Chair and then speak to the motion?

THE PRESIDENT: The Senator may proceed.

Senator **CLAXTON:** In response to my good colleague from Oxford, I offer Lewiston/Auburn as the example of places where water supply is under constant pressure and threat. They share a common water system, Lake Auburn, and recently, with changes in the Auburn zoning, there's some concern that the water quality in Lake Auburn, which is now waived by the federal government, would have to have a filtration plant installed. The part that makes it significant is that there's local concern about that and the locals are in the process of coming up with a plan to reverse the council's decision. They have sovereign say in their access to water. Since the water is shared with Lewiston, Lewiston has become concerned and they've gone so far as to put a cease and desist order in place and, based on that, they have some sovereign say in what their water source, how it's treated. In the instance that we're talking about, the Passamaquoddy has no sovereign say and we've had 40 years to work this out and it still hasn't happened. So, that doesn't seem fair to me. At least Lewiston/Auburn had some say and the Passamaquoddy ought to have some say. The definition of home rule, or local rule, applies in this instance. We should not be using the local or home rule to trump the Passamaquoddy home rule. That doesn't seem fair and to have some of the contents of what's coming out of the diminishing surface water source have to go through all kinds of chemical treatment when, in fact, there's access to an aquifer, that's doesn't seem fair. This is not a utility for many people. This is a sacred right to a sacred resource. So, for those reasons, I think that the Passamaquoddy have long been owed the right of sovereignty to their own water source. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Daughtry.

Senator **DAUGHTRY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'd like to pose a question through the Chair, if that is permissible.

THE PRESIDENT: The Senator may proceed.

Senator **DAUGHTRY:** Are there any other water districts in the state that pay property taxes like the water district that we're discussing here today?

THE PRESIDENT: The Senator from Cumberland, Senator Daughtry, has posed a question through the Chair to anyone who may answer. The Chair recognizes the Senator from Cumberland, Senator Carney.

Senator **CARNEY:** Thank you, Mr. President. I would like to answer the question and also speak on this matter as well. Thank you. The Passamaquoddy Water District is the only quasi-municipal water district in Maine that does not have tax exempt status. It's actually a nonprofit entity that is a quasi-municipal district and it is the only one that has to pay property taxes. I'd like to address a few other issues that have been raised by colleagues in this Chamber. I think I'll just start with expressing gratitude that everybody is so strongly in agreement on the importance of clean drinking water. I think that that agreement and passion flowed throughout the entire committee process on this legislation. I did want to address some concerns. First of all,

the portrayal of this as a dispute between two neighbors, this is really an issue between three different public bodies; the Town of Perry, the City of Eastport, and the Passamaquoddy Reservation at Pleasant Point. The Passamaquoddy tribe at Pleasant Point has 300 homes and so this wasn't just one customer asking for a change. It was 300 families who have to import water into their homes instead of using the water that comes out of their taps. I do agree, wholeheartedly, with the statements that communities should try to work through these problems before coming to the Legislature for a solution. This bill was offered in the first session of this Legislature. The committee carried the bill over specifically so that efforts could be made to work through solutions and those solutions did not emerge. We, as a committee, really felt that the urgency of providing clean drinking water to the Passamaquoddy Tribe at Pleasant Point was an urgent and priority issue that needed to move forward when between sessions the issue wasn't resolved. I'm reading my messy writing here. Thirdly, I did want to comment on the process in the committee, and I think that members of this Chamber can understand that the issues raised by this legislation, the passion behind people who are frustrated and upset and feel that their very lives and livelihood are impacted by the dangerous contaminants that are in the water system, that generates a lot of heat and passion. We also saw that the issue of property tax laws by changing the charter, so that the Passamaquoddy Water District joined all of the other water districts in the state, that that generated a lot of passion and the Judiciary Committee is actually a committee that sees a lot of passion in most of the work we do and we, as a committee, generally, and particularly on this matter, we worked really hard to focus on the facts and to listen to everybody and, you know, all of these parties couldn't come to an agreement and so it was our job, as the committee, to take up the legislation, listen to everybody, and to make a very well thought out, carefully reasoned decision. That's exactly what we did. We didn't rely on the discord that came through in some people's statements. We really looked at the human rights issue of access to clean drinking water and what was the clearest path forward to that. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Hickman.

Senator **HICKMAN:** Thank you, Mr. President. Women and men of the Senate, I rise with humility and a great deal of anguish to speak in favor of the pending motion. We deal with a broad range of issues in this Chamber, some humbling or inspirational, others provocative or downright painful. Rarely, however, do we have the opportunity to take up legislation intended to address a clean and present human rights violation right here in the great state of Maine in the year 2022. Most of us, Mr. President, take the availability of clean, clear drinking water for granted. We turn on the taps in our homes and in this building and trust that what comes out looks and smells and tastes like water. For a moment let's pretend we don't. Let's pretend that when we turn on the faucets in the shower or the kitchen that water is brown. What would you think if the water that runs from your faucets at home was brown or smelled like rotten eggs or chlorine? What would you do? When a vital necessity like potable water is not guaranteed your entire life revolves around securing that vital and essential necessity. It consumes you, as it should. It becomes your focus, the center of your attention. Now imagine that you have access to the solution to your problem right in your own backyard, on your own lands. But when you try to access that

solution your neighbor and the government says 'You need our approval to use what you own.' How would you feel being told that you need someone else's permission to use what you already own? Women and men of the Senate, that is the experience of the Passamaquoddy Tribe to access water on their own land.

For 40 years, more than a generation, two in these days, the water delivered by a local water district to the Passamaquoddy Tribe and to the neighboring city of Eastport has been unreliable. The water source, a shallow reservoir, is practically filled with silt. It becomes more and more shallow as it fills and the silt is deposited by the stream that feeds the pond. As a result, the reservoir is increasingly susceptible to wind and rain storms that stir up dark, foul colored liquid that more closely resembles weak coffee than drinking water. In the summer months, as we've heard, it is home to birds that use the water source as a bathroom. The level of fecal matter in the water requires significant treatment through chlorination. The result is a drinking water supply, if you want to call it that, that tends to be brown from residual silt, heavily chlorinated from cleaning out that fecal matter. I have seen pictures of children's skin that has been burned from this water. I have seen the drinking water notices that acknowledge that this water can cause cancer and liver damage. This is an unacceptable violation of human rights and, yes, this is the water that has been delivered to hundreds of homes in Washington County for decades, all under the State's watch, all under our jurisdiction. Since 2019, the Passamaquoddy Tribe has led multi stakeholder efforts to pursue short, medium, and long term solutions to this human rights violation. The needs may be complicated but they boil down to basically two things: money and access to alternate sources of drinking water.

That is what this Majority Report is about, Mr. President. This amendment would rectify the fact that the local water district that serves the tribe and the city of Eastport is the only water district in the state that pays property taxes. Pursuant to this amendment, the local water district would be exempt from property taxes and the savings would help the district afford the critical maintenance that it cannot otherwise afford today. To secure this human right and ensure better access to clean water for the residents of Sipayik, this amendment would allow the tribe to protect two pieces of tribally owned land where there is known to be water. One parcel is the location of a roadside spring that will provide an on-reservation location for tribal members to fill up water jugs. The current fill up location is currently 15 miles away in one direction. The second parcel of land is known to have a potentially large aquifer supply. The tribe previously helped examine this aquifer as a way to help the local water district replace the current dirty water. This could be a long term solution to the current supply which is in irreversible decline. These tribally owned lands would become protected by the federal government and immune from local regulations. The local town where these lands are located opposes these lands going into federal trust status. In the past, the town has demanded payment of a significant sum of money just to support tribal efforts to put lands in trust status. There's that word again, money. That same town, which does not rely on the same water supply as the tribe, now wishes to veto the Passamaquoddy effort to obtain clean drinking water. They say everyone has a right to clean water, yet they oppose their neighbor's attempts to get it. This dynamic where a neighbor is allowed to veto how you use your own land is the unfortunate reality of the Passamaquoddy Tribe. How would

you feel if your neighbor passed a law to specifically block you from using your own land to derive potable water? That's the Passamaquoddy experience today. It is time for change.

Opponents of this bill, as we have heard, say putting this land in trust over the objection of a local town is bad precedent. I say it's a violation of tribal sovereignty. Current law in Maine allows two tribes, the Maliseets and the Micmacs, to put land in trust without the need for local approval. So why should the Passamaquoddy need the approval of the neighboring towns when other Maine tribes don't? Why should a municipality be able to block another government's quest for clean drinking water?

Article 1, section 1, of the Constitution of Maine reads as follows: all people are born equally free and independent and have certain natural, inherent, and unalienable rights among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and a pursuant and obtaining safety and happiness. How can you defend life and liberty? How can you pursue safety and happiness if you do not have access to clean drinking water? The Passamaquoddy deserve the ability to use their water on their lands. Why does Maine or a municipality need to dictate how the tribe uses its water? In the middle of the pandemic, Maine required State approval before the tribe could supply clean drinking water from an on-reservation well to a school located just hundreds of feet away. Why is it in Maine that tribes must come to the State for permission to use their water? Why does Maine need this power over its first inhabitants? Article 1, section 2, of the Constitution of Maine reads as follows: all power is inherent in the people. All three governments are founded in their authority and instituted for their benefit. They have, therefore, an unalienable and indefeasible right to institute government and to also reform or totally change the same when their safety and happiness requires it. And, so, the Passamaquoddy people have come in peace to this place to alter and reform our government through this legislation because their safety and happiness require it. Mr. President, a change has got to happen.

James Bowman also wrote, 'I love America more than any other country in the world and exactly for this reason I insist on the right to criticize her perpetually.' Well, I love Maine more than any other state in the nation and precisely for this reason I insist on the right to criticize her constructively. We have a tribal nation and EPA ready to step up and help this community in need today. The State of Maine must set aside her painful paternalism towards the tribes and get out of the way. Put another way, as my wise mother was known to say, on this matter before us, Maine needs to go sit down somewhere and be quiet. On this vital matter this amendment would assist Maine in her quietude. L.D. 906 would help the tribe help the local water district, which would, in turn, provide clean water in the city of Eastport and for the tribe. This legislation would directly benefit the people in these communities and would not hold their human right to access clean drinking water subservient to the veto of a local government that has perfectly fine drinking water. This legislation would clarify that the tribe, working with the EPA, can regulate its own drinking water on its own lands without interference from the State or any of her political subdivisions. Access to clean drinking water is a natural, inherent, and unalienable human right and so there is no reason why the Passamaquoddy Tribe, which has brought solutions to the table, should be turned around in their quest to help themselves, their families, their neighbors, their community secure this fundamental human right. In these

moments, Mr. President, when we have the opportunity to support the fulfillment of a human right, the answer should be simple and so, Mr. President, as we go away this afternoon let us go away ever more committed to advancing the dignity and worth of every human personality, ever more committed to protecting and defending the human rights of all people. I urge my colleagues today in the Senate to vote unanimously as one voice to advance this amendment that embraces human rights. It's been a long time coming. Let us stand with the people who have studied and labored over this issue, fighting for their bodily health and wellbeing. Let us stand with the people who have been stewards of and survived off this land since time immemorial. Let us stand with trust that the tribal community's instincts and their earnest desire to make a better, cleaner world for generations yet to be born. We must come to see, Mr. President, that the end we seek is a society at peace with itself, a society that can live with its conscience. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Keim.

Senator **KEIM:** Thank you, Mr. President. I rise to clarify a couple of points. One is, listening to speeches you may not realize that the water district is a five member board and it does serve also the town of Eastport, so there's a lot of like-minded people that want to fix the water issues. But the water district is a five member board. One is from the town of Eastport, one is from the town of Perry, and three are tribal members. So, obviously, they did have opportunity to change their water district charter through proper channels and bring it from the water district itself. You've heard, though, that they've been blocked from using their water and that they've been turned around from finding solutions. But while that bill was sitting for a whole year with no language with it, during that time we heard testimony that the water district board was never approached about this. We also heard testimony that the town was not approached about this. So, while they - you've heard that they were actively seeking solutions for a year and then there was no option other than this language, that is not the same testimony that we heard from their neighbors. I just wanted to make sure that was understood as we vote on this bill. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of Report "A", Ought to Pass as Amended by Committee Amendment "A" (H-984), in concurrence. Is the Senate ready for the question?

The Chair noted the absence of the Senator from York, Senator **DESCHAMBAULT**, and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#749)

(In House, April 12, 2022, **PASSED TO BE ENACTED.**)

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, CYRWAY, DAUGHTRY, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, MAXMIN, MIRAMANT, SANBORN, VITELLI, PRESIDENT JACKSON

On motion by Senator **DIAMOND** of Cumberland, placed on the **SPECIAL HIGHWAY TABLE** pending **ENACTMENT**, in concurrence.

NAYS: Senators: BLACK, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

Out of order and under suspension of the Rules, the Senate considered the following:

EXCUSED: Senators: DESCHAMBAULT, RAFFERTY

REPORTS OF COMMITTEES

House

21 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** Report **"A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-984)**, in concurrence, **PREVAILED**.

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure Access to All Paths to Recovery for Persons Affected by Opioids Using Money Obtained through Litigation against Opioid Manufacturers" (EMERGENCY)
H.P. 1277 L.D. 1722

Bill **READ ONCE**.

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-997)**.

Committee Amendment "A" (H-984) **READ** and **ADOPTED**, in concurrence.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-997)**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-984)**, in concurrence.

Report **READ** and **ACCEPTED**, in concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-997) **READ** and **ADOPTED**, in concurrence.

Senate at Ease.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Senate was called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:

On motion by Senator **BREEN** of Cumberland, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

ENACTORS

An Act Governing the Sale, Purchase, Removal, Transport and Disposal of Catalytic Converters Removed from Motor Vehicles, Governing Scrap Metal Processors and Creating the Motor Vehicle Services Fund

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

S.P. 61 L.D. 796
(C "A" S-539)

Emergency Measure

Placed on the Special Appropriations Table - April 13, 2022 by Senator **BREEN** of Cumberland

An Act To Stabilize State Funding for County Corrections
H.P. 1225 L.D. 1654
(C "A" H-994)

Pending - **ENACTMENT**, in concurrence

On motion by Senator **BREEN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**, in concurrence.

(In Senate, April 12, 2022, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-539)**.)

Acts

An Act To Amend the Remote Meeting Law in Maine's Freedom of Access Act

H.P. 1323 L.D. 1772
(C "A" H-987)

An Act To Facilitate Communication between Prosecutors and Unrepresented Defendants While Protecting the Rights of Those Defendants

H.P. 1412 L.D. 1905
(C "A" H-989)

PASSED TO BE ENACTED and, having been signed by the President, were presented by the Secretary to the Governor for approval.

Resolve

Resolve, Concerning Training and Assessments Related to Protection from Substantial Threats

H.P. 629 L.D. 861
(C "A" H-986)

FINALLY PASSED and, having been signed by the President, was presented by the Secretary to the Governor for approval.

All matters thus acted upon were ordered sent down forthwith for concurrence.

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Incorporate Respectful Language into the Maine Revised Statutes, Titles 22, 25 and 34-A"

H.P. 1526 L.D. 2038

Reported that the same **Ought to Pass**, pursuant to Resolve 2021, chapter 120, section 2.

Signed:

Senator:

DESCHAMBAULT of York

Representatives:

WARREN of Hallowell
COSTAIN of Plymouth
LOOKNER of Portland
MORALES of South Portland
NEWMAN of Belgrade
PICKETT of Dixfield
PLUECKER of Warren
RECKITT of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**, pursuant to Resolve 2021, chapter 120, section 2.

Signed:

Senator:

CYRWAY of Kennebec

Representative:

RUDNICKI of Fairfield

Comes from the House with the Majority **OUGHT TO PASS**, Pursuant to Resolve 2021, chapter 120, section 2, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Reports **READ**.

Senator **DESCHAMBAULT** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS**, Pursuant to Resolve 2021, chapter 120, section 2, Report, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Deschambault.

Senator **DESCHAMBAULT:** Thank you, Mr. President. It's a little unusual that we would have a bill that the title is An Act to Incorporate Respectful Language, that we have to put that in statute. What this refers to is the sponsor from the committee centered on Title 34 and 22 and 22A, 34A is the Department of Corrections. They left out 30A and I presume that means the Department of Corrections, the Commissioner of Corrections, what he says goes in terms of standards and this will be standard as far as language. There's a 35 page amendment but I will just focus on a few examples. This is to change the terms of calling a prisoner a prisoner or an inmate; someone who uses drugs, saying that they're a drug user. So, I'm focusing - it keeps repeating. In these statutes, whenever you see the name 'inmate' or the word 'inmate' or 'prisoner' we are to refer to them as a 'resident of a correctional facility or a jail.' A resident. If someone is a drug user, we have changed that to the title of 'a person with a substance abuse disorder.' A probation officer, a probationer is 'someone on probation.' That's the respectful language and a resident of a correctional facility means an adult person. So,

prisoners in the Maine State Prison or an adult facility are 'an adult resident.' Long Creek they are 'a juvenile resident.' The only other thing, also if you are out on probation you are not called a probationer. If you are in supervised community confinement the probation officers refer to them as 'their clients.' They are not in prison so you don't call them prisoner. Prisoner support is 'support for residents of a jail.' So, I'm into changing that between jail and, as I said, prison. Again, everything is the prisoner is now the resident of a correctional facility. Bear with me, at least I'm skipping all of these, these are all repeated. There's just a couple more that are longer. Sorry about that. At least I highlighted them. There was one longer one and I can't find it now. But you get the just of it. They went through the whole - and this was a Resolve, so this was a group of people that went through this. The other one is called a reentry house. If you go to a halfway house or you're in a reentry facility, a reentry participant means a person sentenced to the custody of the Department who previously resided in a correctional facility. Substitute 'reentry participants' to 'those in a halfway house.' So, the Department of Corrections spoke in favor of this. They've even gone so far as starting to change their letterheads and I was told that officers in the correctional facilities were to refer to them as, what is it, resident of a correctional facility. Even I have a hard time doing that. But, a lot of work went into that and the Department supported it. So, I move Ought to Pass. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Timberlake.

Senator **TIMBERLAKE:** Thank you, Mr. President, and I apologize. When I was up there, I would ask that this bill be tabled until later in today's session.

On motion by Senator **TIMBERLAKE** of Androscoggin, **TABLED** until Later in Today's Session, pending the motion by Senator **DESCHAMBAULT** of York to **ACCEPT** the Majority **OUGHT TO PASS**, Pursuant to Resolve 2021, chapter 120, section 2, Report, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Advance Health Equity, Improve the Well-being of All Maine People and Create a Health Trust" H.P. 1258 L.D. 1693

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-993).**

Signed:

Senators:
CLAXTON of Androscoggin

BALDACCI of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass.**

Signed:

Senator:

MOORE of Washington

Representatives:

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

Comes from the House 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" (H-993) AS AMENDED BY HOUSE AMENDMENT "A" (H-998)** thereto.

Reports **READ.**

Senator **CLAXTON** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **POULIOT** of Kennebec, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Moore.

Senator **MOORE:** Thank you, Mr. President. I just want to use the opportunity to share with the Senate exactly what this amendment is doing. It does change the title of the bill. It's not exactly what it reads like it does on the supplement. It's now reading: An Act to Advance Health Equity and Improve the Wellbeing of All Maine People. What it does establish is an Obesity Advisory Council and all of the members of this council will be appointed by the Governor. It has a list of different things that they're going to be responsible for, up to and including - also includes obesity prevention standards in public schools. The bill, itself, is calling for an additional member of the CDC staff, who will be considered the Obesity Coordinator in the Maine Center there. It gives us some funding for evidence-based programming. I just truly feel that this bill is not necessary and so I plan to oppose the motion that's on the floor. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Timberlake.

Senator **TIMBERLAKE**: Mr. President.

THE PRESIDENT: Don't say it.

Senator **TIMBERLAKE**: I'm not going to say it but you know what I'm thinking. I can't believe, after all the things that we talked about, equality and everything else all year, that we're now going to point out children's shapes and forms and that's what this bill does. It says that we need to train them and teach them because they're obese. I think that's apparent. I just - there's no part of this that would make me feel that this is the way we ought to be treating our children. I can't even fathom it. I'm sorry.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Daughtry.

Senator **DAUGHTRY**: Thank you, Mr. President. In the interest of what everyone's thinking about, I would like to table this bill to get us closer to the lunch table.

On motion by Senator **DAUGHTRY** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **CLAXTON** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence. (Roll Call Ordered)

Off Record Remarks

On motion by Senator **VITELLI** of Sagadahoc, **ADJOURNED** until Thursday, April 14, 2022 at 10:00 in the morning.