

MAINE STATE LEGISLATURE

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ONE HUNDRED THIRTY-FIRST LEGISLATURE
SECOND REGULAR SESSION
10th Legislative Day
Tuesday, February 6, 2024

Representative BRADSTREET of Vassalboro assumed the Chair.

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

Prayer by Reverend Eleanor Collinsworth, Union Church of Belgrade Lakes.

National Anthem by Maryssa Bolduc, Oakland.

Pledge of Allegiance.

Medical Provider of the Day, Dr. Erik Steele, DO, Yarmouth.

The Journal of Thursday, February 1, 2024 was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 940)

**JOINT RESOLUTION RECOGNIZING FEBRUARY 2024 AS
211 MAINE MONTH**

WHEREAS, 211 Maine is a Maine-based health and human services and emergency preparedness and response helpline that provides Maine people free and confidential referrals to needed resources; and

WHEREAS, 211 Maine provides around-the-clock service statewide, offering efficient and effective responses to questions arising from the growing complexities in health, financial and human services and the needs of Maine people from people employed in Maine, including interpreters for multilanguage users; and

WHEREAS, since 2006, 211 Maine call specialists have assisted with requests for information regarding topics ranging from substance use and recovery services to housing support and food resources, and in 2023 fielded over 77,000 calls, text messages and e-mails from people looking for help for themselves or someone they know; and

WHEREAS, 211 Maine provides emergency operations support during times of natural and other disasters, including assisting the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency by fielding calls from those affected by windstorms and floods, collecting data regarding incidence severity and locations of need and directing people to local warming shelters and cooling centers; and

WHEREAS, during this past year, 211 Maine provided over 11,000 referrals for heating and utility assistance services, helping individuals find appropriate assistance programs, which may have prevented their contacting the wrong agency for heating assistance, prevented utility shut-offs and saved people from spending winter nights without fuel; and

WHEREAS, 211 Maine handles a number of specialized services and partnerships, including serving as the centralized access point for the Help Me Grow Maine program, which helps families with children from birth to 8 years of age to access needed services, providing the opiate helpline and the gambling helpline and serving as a resource for finding information about needs such as tax preparation, mental health services and browntail moth caterpillar prevention, mitigation and treatment; and

WHEREAS, 211 Maine provides a powerful example of how the government and nonprofit and private sectors can work together to improve the quality of life of the people of Maine; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirty-first Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize February 2024 as 211 Maine Month.

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

COMMUNICATIONS

The Following Communication: (H.C. 388)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

February 6, 2024

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under House Rule 201.1 (H), I appoint Representative Richard T. Bradstreet of Vassalboro to serve as Speaker Pro Tem to convene the House on Tuesday, February 6, 2024.

Sincerely,

S/Rachel Talbot Ross

Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 389)

**MAINE'S PUBLIC UNIVERSITIES
UNIVERSITY OF MAINE SYSTEM**

January 30, 2024

Honorable Troy D. Jackson

President of the Senate

3 State House Station

Augusta, Maine 04333

Honorable Rachel Talbot Ross

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the University of Maine System (UMS) due by Feb. 1, 2024 documenting our qualifying sole-source procurements and contributions in FY23. UMS is an economic engine for Maine. The System prepares Maine's workforce, supports small businesses through world-class research and innovation, serves as one of state's largest employers, and through its purchasing goods and services from Maine businesses or those that employ many Mainers, positively impacts the Maine economy. In FY23 alone, UMS made \$105 million in payments to Maine vendors across 424 towns in the state.

More than one-half of the System procurements listed in this report are a result of a vendor/partner being named specifically in a grant award, typically from a federal agency. For example, the Maine Forest Products Council is specifically identified as a sub-recipient in several federal grants received by the University of Maine from the U.S. Economic Development Administration during this reporting period. Those grants support our shared efforts to help Maine innovate its forest economy and dependent rural jobs in response to changing markets, technologies and climate.

If you need any additional information, please contact UMS Director of Government Relations Samantha Warren in my office at samantha.warren@maine.edu. Thank you for your ongoing interest and support of Maine's public universities.

Sincerely,

S/Dannel P. Malloy, Chancellor
University of Maine System

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 390)
**MAINE COMMUNITY COLLEGE SYSTEM
OFFICE OF THE PRESIDENT
323 STATE STREET
AUGUSTA, MAINE 04330-7131**

January 30, 2024

Honorable Rachel Talbot Ross
Speaker of the House

2 State House Station

Augusta, Maine 04333

Honorable Troy D. Jackson

President of the Senate

3 State House Station

Augusta, ME 04333-0002

Dear Speaker Talbot Ross and President Jackson:

On behalf of the Board of Trustees of the Maine Community College System (MCCS), I respectfully submit the attached report on certain procurements, contributions, and policy changes for the period July 1, 2022, through June 30, 2023, as required by 5 M.R.S.A. §12023.

To compile this report, MCCS used customized reporting features built into our business management systems. We then tested the validity of those reports and reviewed several transactions with college personnel. Combined, the seven colleges and the MCCS System Office make thousands of purchases each year.

While reporting is complex, our review indicates that the colleges' compliance with existing policies is extremely high, and expenditures are consistently mission related. In those few areas where we have identified need for improvement, refinements have been made or are under way.

MCCS will continue to use its internal controls and annual outside audit to adapt its systems to changing needs, and our Board of Trustees will continue to monitor compliance through regular reporting and an ongoing dialogue with auditors. If you have any questions, please do not hesitate to contact me. Thank you.

Sincerely yours,

S/David Daigler

President

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 391)

**MAINE PORT AUTHORITY
460 COMMERCIAL STREET
PORTLAND, ME 04101**

January 31, 2024

Honorable Troy D. Jackson

President of the Senate

3 State House Station

Augusta, Maine 04333

Honorable Rachel Talbot Ross

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross:

Pursuant to 5 M.R.S. § Section 12023, please consider this the letter of transmittal for the required FY 2023 report from the Maine Port Authority due by February 1, 2024.

Please contact me if you have any questions or need additional information.

Thank you.

Sincerely,

S/Matthew Burns

Executive Director

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 392)

**STATE OF MAINE
WORKERS' COMPENSATION BOARD
OFFICE OF EXECUTIVE DIRECTOR/CHAIR
442 CIVIC CENTER DRIVE, SUITE 100
AUGUSTA, MAINE 04333-0027**

January 31, 2024

Honorable Rachel Talbot Ross

Speaker of the House

2 State House Station

Augusta, Maine 04333

Honorable Troy D. Jackson

President of the Senate

3 State House Station

Augusta, Maine 04333

RE: Annual Report of the Workers' Compensation Board

Pursuant to 5 M.R.S.A. §12023(2)

Dear Speaker Talbot Ross and President Jackson:

Pursuant to 5 M.R.S.A., § 12023, please consider this the transmittal letter for the required report from the Workers' Compensation Board due by February 1, 2024.

Please contact me if you have any questions or need additional information.

Sincerely,

S/John C. Rohde

Executive Director

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 393)
FINANCE AUTHORITY OF MAINE
94 STATE HOUSE STATION
AUGUSTA, MAINE 04332

February 1, 2024
Honorable Troy D. Jackson
President of the Senate
3 State House Station
Augusta, Maine 04333
Honorable Rachel Talbot Ross
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross:
Pursuant to 5 M.R.S.A. §12023, please consider this the letter of transmittal for the required report from the Finance Authority of Maine due February 1, 2024.
Please contact me if you have any questions or need additional information.

Thank you.
Sincerely,
S/Carlos R. Mello
Chief Executive Officer

READ and with accompanying papers **ORDERED**
PLACED ON FILE.

The Following Communication: (H.C. 394)
STATE OF MAINE
MAINE HUMAN RIGHTS COMMISSION
51 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0051

February 1, 2024
Honorable Troy D. Jackson
President of the Senate
3 State House Station
Augusta, Maine 04333
Honorable Rachel Talbot Ross
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross:
Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the Maine Human Rights Commission due by February 1, 2024.
Please contact me if you have any questions or need additional information.

Thank you.
Sincerely,
S/Kit Thomson Crossman
Executive Director

READ and with accompanying papers **ORDERED**
PLACED ON FILE.

The Following Communication: (H.C. 395)
STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

February 6, 2024
Honorable Rachel Talbot Ross
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Talbot Ross:
Pursuant to Joint Rule 310, the Committee on Innovation, Development, Economic Advancement and Business has approved the request by the sponsor, Senator Curry of Waldo, to report the following "Leave to Withdraw:"
L.D. 1555 An Act to Amend the Pine Tree Development Zone Program

Sincerely,
S/Robert B. Hunt
Clerk of the House

READ and with accompanying papers **ORDERED**
PLACED ON FILE.

The Following Communication: (H.C. 396)
STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

February 6, 2024
Honorable Rachel Talbot Ross
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Talbot Ross:
Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass: "

Criminal Justice and Public Safety
L.D. 179 An Act to Provide Support for Restorative Justice Practices in Maine
L.D. 913 An Act to Support First Responders Health Coverage, Insurance and Financial Services
L.D. 1205 An Act Regarding the Scope of Practice of Certified Professional Midwives and Certified Midwives

Housing
L.D. 1134 An Act to Improve Housing Affordability by Amending the Definition of "Subdivision" Under the Site Location of Development Laws

L.D. 1257 An Act to Increase Housing Capacity and Protect the Municipal Tax Base and Working Lands

L.D. 1864 An Act to Increase Maine's Housing Supply by Prohibiting Certain Zoning Requirements in Areas Where Public Sewer and Water Infrastructure Are Available and in Designated Growth Areas

Inland Fisheries and Wildlife
L.D. 795 An Act to Clarify Requirements for Moose Hunting Permittees

Labor and Housing
L.D. 550 An Act to Increase Correctional Officer Salary and Benefits

Veterans and Legal Affairs
L.D. 1944 An Act Regarding Tribal Gaming

Sincerely,
S/Robert B. Hunt
Clerk of the House

READ and with accompanying papers **ORDERED**
PLACED ON FILE.

The Following Communication: (H.C. 397)
STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

February 6, 2024
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Hunt:

Please be advised that pursuant to her authority, Governor Janet T. Mills has nominated the following:
on February 2, 2024

Robert S. Duchesne of Old Town, Steven K. Pelletier of Topsham and Robert M. Sanford of Gorham for reappointment to the Board of Environmental Protection.

Pursuant to Title 38, MRSA §341-C, these reappointments are contingent on confirmation by the Maine State Senate after review by the Joint Standing Committee on Environment and Natural Resources.

Sincerely,
S/Rachel Talbot Ross
Speaker of the House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act to Combat Racketeering in Scheduled Drugs by Certain Organizations"

(H.P. 1412) (L.D. 2204)

Sponsored by Representative ANDREWS of Paris.
Cosponsored by Senator HARRINGTON of York and Representatives: ARDELL of Monticello, CYRWAY of Albion, NEWMAN of Belgrade, NUTTING of Oakland, PERKINS of Dover-Foxcroft, POIRIER of Skowhegan, SOBOLESKI of Phillips, WHITE of Guilford.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent for concurrence.

Resolve, to Require the Public Utilities Commission to Initiate a Feasibility Study to Evaluate Transmission Technologies and Siting Locations for Any Future Electric Transmission Line Proposed Pursuant to the Northern Maine Renewable Energy Development Program

(H.P. 1413) (L.D. 2205)

Sponsored by Representative CYRWAY of Albion.
Cosponsored by President JACKSON of Aroostook and Representatives: DILL of Old Town, FOSTER of Dexter, HYMES of Waldo, PERKINS of Dover-Foxcroft, Speaker TALBOT ROSS of Portland, Senators: CURRY of Waldo, FARRIN of Somerset, STEWART of Aroostook.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested and ordered printed.
REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.
Sent for concurrence.

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

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

The SPEAKER: The Chair would like to thank the Representative from Vassalboro, Representative Bradstreet, for acting as Speaker Pro Tem today. If you will all join me in thanking him.

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

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act to Ensure Rural Law Enforcement Services in Maine" (H.P. 407) (L.D. 630)

Signed:

Senators:

BEEBE-CENTER of Knox
HARRINGTON of York
LaFOUNTAIN of Kennebec

Representatives:

SALISBURY of Westbrook
HASENFUS of Readfield
LAJOIE of Lewiston
LOOKNER of Portland
MATHIESON of Kittery
MILLIKEN of Blue Hill
PERKINS of Dover-Foxcroft

Minority Report of the same Committee reporting **Refer to the Committee on Taxation** on same Bill.

Signed:

Representatives:

ARDELL of Monticello
NUTTING of Oakland

READ.

On motion of Representative SALISBURY of Westbrook, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act Concerning Contracts and Agreement for Large-scale Water Extraction"

(H.P. 707) (L.D. 1111)

Signed:

Senators:

LAWRENCE of York
HARRINGTON of York

Representatives:

BABIN of Fort Fairfield
DUNPHY of Embden
FOSTER of Dexter
PAUL of Winterport
RUNTE of York

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-739)** on same Bill.

Signed:

Senator:

GROHOSKI of Hancock

Representatives:

ZEIGLER of Montville
GEIGER of Rockland
KESSLER of South Portland
WARREN of Scarborough

READ.

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

Representative FOSTER of Dexter **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Foster.

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. There are currently only three water utilities in Maine that have agreements with Poland Spring, one of the water extractors doing business in the State. These agreements provide needed revenues to water utilities that allow water rates to other customers to remain lower. This is particularly important for water utilities like the Lincoln Water District, where the local paper mill closed and the extractor has significantly helped offset the loss of water revenues from what water that the mill used to use, although they do not use nearly as much as the mill did.

This Minority Report only covers users not directly interconnected to public water systems. The limitation only applies to water users like Poland Spring where the water is sold by water utilities through infrastructures separate from the water utility's water distribution system. So, bottling operations that draw water directly from the utility, like breweries, soda bottlers and non-spring water bottlers like Dasani, are not covered; nor should they be.

The Minority Report removes regulatory discretion over contract length with water utilities. The contracts with water utilities typically need to be at least 20 years in length to support bank financing for the entity purchasing the water. The same thing is true of renewable energy facility contracts, which Maine law assumes must be 20 years in length or more. Banks issuing financing for 20 years are likely to need an assurance of contracts for 20 years to ensure sufficient revenues to repay the

loan. A statutory cap of seven years or so would effectively block future agreements between water extracting entities and water utilities. Madam Speaker, current law has rigorous oversight at the State and local level regarding water extraction. Under current law, when a water utility enters into an agreement with an entity that draws water from infrastructure separate from the water system, there is rigorous State and local oversight. The local water utility begins by being, generally, a local government entity with elected trustees or trustees appointed by the local municipality from that municipality. No agreement proceeds without this local municipal approval. The Maine PUC must approve the contract with the utility, including the length of the agreement and the rates charged. The Minority Report would take away the discretion to approve agreements over seven years.

The Maine Drinking Water Program, in conjunction with the Maine DEP, the DWP approves the extraction itself to ensure there is sufficient water to support the extraction without impacting the water utility's other customers or other users. This approval must be renewed every three years and requires the utility to provide regular reports on water usage. The Drinking Water Program also requires utilities to monitor these systems at all times to ensure sufficient water and to engage in long-term planning to ensure enough water for the future. Our State's own geologists and hydrologists have testified before the EUT and ENR Committees on this and similar bills in the past; they've testified to the overabundance of Maine's water resource and the extreme oversight of it. Maine does not have a water quantity problem and water not used cannot be banked for the future. Importantly, Maine has more than enough water to sustain water use for water bottlers. Unlike most places on Earth, Maine's hydrogeology since the glaciers retreated involves deep gravel aquifers that retain large amounts of clean groundwater and ensure that water extractions are hyper-localized. Most other places on Earth do not have this level of groundwater storage and outside of Maine, water extractions in one location have widespread impacts on groundwater at great distances from the point of extraction. Maine Geological Survey has presented to the EUT Committee on this unique, local phenomenon. Far more water falls in Maine through rain than is used by humans. Of those human uses, drinking water is a small percentage. Importantly, water that is not used by humans is not permanently stored for the future but, instead, flows into the ocean and becomes unavailable for human use.

When there are droughts in Maine, the effects are localized. Climate change projections foresee more rain in Maine, not less. If there were ever a shortage of water, entities extracting water would have to cease use for two reasons. One, water utilities constantly monitor their systems and by the minute or hour would know immediately if there were a shortage of water on their system and would shut off the water extractor. Legally, extraction entities cannot sell what they advertise as spring water that is not from a spring, and legally, a spring involves a bubbling of groundwater to the surface. If a groundwater source were drawn down, the water would not be coming to the surface and would not be technically spring water, so, extraction would have to cease.

To put all this in perspective, this entire issue involves the use of Maine's water resources for drinking water, which is the highest and best use of water. They're not talking about use of water for industrial processes. Why are we talking about laws that make it harder to use our vast water resources for drinking water, especially when there are shortages of water elsewhere? And in the highly unlikely event Maine ever did not have enough

water, our current water regulatory regime would involve the cessation of these water bottling operations.

Finally, Madam Speaker, I would just remind everyone that these local water municipal entities are receiving funds that help their ratepayers who would normally carry the burden, and in many towns, such as Lincoln, who have lost a major employer and residents as a result, those remaining ratepayers would be footing an ever-higher proportion of the bill that is required to keep that utility going. So, these water extractors are actually a blessing to those districts. I ask that you follow my light and vote down the pending motion. Thank you, Madam Speaker.

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

Representative **GEIGER**: Thank you, Madam Speaker. I rise in support of the Minority Report and ask that my colleagues also follow my light.

Maine is blessed with an abundance of water, but if we look globally, what we hear, what we see, is that just 3% of the water on this Earth is fresh water and, of that, 0.5% or a half a percent of that water is available to us, the rest is locked in glaciers and in ice sheets. Just because Maine is blessed now does not mean it will be in the future. Because Maine is blessed now, we are suddenly in the sights around the world of global entities that are interested in our water, as well they should be. If you follow the news in the west, if you follow the news in the Mideast, if you follow the news in China or India or Africa, what you see is that basic supplies of drinking water are rapidly disappearing.

Maine is blessed. It does not mean that we will continue to be. When extraction companies go from requesting contracts of five years to 25 years with automatic renewals at a fixed rate that is equal to the rate that ratepayers are paying, a rate that is deliberately low because water is required for life, then by allowing those kinds of contracts, we are setting up a generational contract which municipalities cannot influence. That, as life changes, as droughts occur, as more companies come to Maine looking to extract our natural resource, they will not need to pay the market rate because at this point, fresh potable water is worth more than gold. I ask that you put in some basic protections, a 10-year contract where everyone gets to pause every 10 years and say what's changed, is Maine still able to provide this level of extraction, what does it mean going forward as other companies come to Maine looking to extract. I ask you to support my light and support the Minority Report. Thank you.

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

Representative **KESSLER**: Thank you, Madam Speaker, Men and Women of the House. I support the pending motion.

I feel that it is absolutely important for this Body to recognize how we are going to continue funding basic infrastructure upgrades in the future. We have a choice to make as to whether we are depending on ourselves to invest in our own infrastructure, to keep the basic quality that we would like to maintain, or if we are going to depend on out-of-state, out-of-nation private equity firms to bail us out and depend on them for the foreseeable future for our basic infrastructure. This is not just happening in water, but it's happening in housing, agriculture, et cetera.

This bill, the primary issue that we tried to nail down is, will these limits have a negative impact on municipal water districts? And through a lot of investigation, we discovered that these water districts have access to State funds and lending that does not require these long-term contracts. Thus, we also have to think about who is benefitting from the security of these long-term contracts, and it really is the water extractors themselves,

because they want to have the best advantage in terms of their interest rates and low risk for financing. I urge this Body to support the pending motion. Thank you very much, Madam Speaker.

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

Representative **WARREN**: Thank you. I rise in support of the pending motion, because this legislation simply aims to prevent water utilities from entering lengthy contracts spanning decades with bulk water extractors. By capping the length of these contracts to 10 years, communities can determine for themselves to end, renew or alter terms in the event that a contract should cease to align with the utilities', ratepayers' or non-service-area residents' best interests, which is an issue that already encompasses over 40% of Maine households. While LD 1111 doesn't provide a universal solution to Maine's intricate water challenges, it's a vital measure to mitigate vulnerability as well as to face the reality that excessively long contracts operate without direct democratic oversight.

Maine confronts uncertainties concerning access to clean water, emits compounding threats in the face of climate change such as intensified storms, disseminating contaminants, PFAS and forever chemicals, coastal saltwater intrusion, wastewater sludge, industrial pollution and others we just can't know now or reasonably anticipate today. For these and so many other reasons, this legislation is a top priority for various groups, including Sierra Club Maine, Maine Youth for Climate Justice and Maine Youth Action. Implementing shorter evaluation intervals with a 10-year cap is a well-founded approach, safeguarding economic, public health and environmental interests. Reasonably restricting prolonged bulk water export agreements is a sound strategy for bolstering local economic resilience and climate readiness and I'd ask you follow my light.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Foster.

Representative **FOSTER**: Thank you, Madam Speaker. Just a couple of things. First of all, the testimony I heard during the Committee hearings indicated that these extractors pay the same rate as the utility customers. Also, those rates will go up during the term of their contract, as they may also go up for utility customers, with some of us who have water utilities in our districts have seen that happen. So, that is something that is a protection for the utility district. Secondly, I will say that not only did the majority of EUT members oppose this bill, but it was also opposed by the State's public advocate's office, which is looking out for utility ratepayers. It was opposed by the Maine Water Utilities Association, and it was opposed by the Maine Chamber of Commerce and it was also opposed by the Maine Department of ACF.

Madam Speaker, there is nothing that shows an example more of local control than our local utility districts who are made up of local citizenry, who are voted in by their fellow citizens to represent them on these boards. And they will protect their water rights, their water interests, better than anyone else. They also have to look at the financial situation that their local utility district is in and take that into consideration when they enter into these contracts. And, again, we hire and pay our own experts in this field in various departments in the State of Maine, and every one of those who were questioned before the EUT said that this is not a necessary bill, that we have more than enough water, and that between their monitoring at the State level and the monitoring that takes place by the extractor, who doesn't want to see those water supplies diminish and then cause problems and, more importantly, by the local utility district who watches their water supply day in and day out, that that oversight

will take care of any issues that come up during any length of contract that a utility has entered into. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Thank you, Madam Speaker. Madam Speaker, right now, contracts between water extractors such as Poland Spring and local communities in Maine can be unlimited in length. We have this bill before us today because impacted community members asked for it. We are seeing a trend of Poland Spring and communities signing long-term agreements in Maine. Right now, Poland Spring has two contracts that run for at least 25 years and up to 40 years with automatic renewals. Those communities are Fryeburg and Lincoln. Those contracts were highly contested locally when their utilities were going through this process, but there was no way for residents to prevent the contracts from being signed by their local water utilities. I want to repeat that these contracts can run for up to 40 years. Forty years from now, I will be in my 70s. Around the country and around the world, we're also seeing that Nestle and other water extractors have also attempted to sign even longer contracts to extract water for pennies, sometimes in places where local residents did not have access to adequate drinking water.

This bill is a modest bill. It's about whether, as a matter of public policy, we want to allow contracts between Poland Spring and local utilities to be potentially unlimited in length. The bill creates a simple guardrail; it creates an upward limit on how long contracts can run in Maine of 10 years. The Committee record shows that Poland Spring does not require long-term contracts to conduct business in Maine. The Committee record shows that on five-year permit cycles, Poland Spring has built infrastructure in Denmark, a pumphouse and pipeline into Fryeburg and a pumphouse in Lincoln. It shows the 2017 Lincoln lease, that the original agreement between Lincoln Water District and Poland Spring was five years in length, with one five-year autorenewal. That shows previous agreements between Fryeburg Water Company, which was an initial 10-year contract, and that is the limit that the Committee has chosen. It shows other permits that span three years, in 2008, 2011, 2012, just to show that Poland Spring is able to do business in Maine on these shorter cycles.

Again, we're seeing a trend of moving from these shorter-term agreements to a trend of long-term agreements being signed. It is actually happening in Maine. In Fryeburg and Lincoln, they are facing potentially up to 40 years with autorenewals and set prices for pennies that are tied to what ratepayers pay. And that's a distinction from what a market price would be over a 40-year period if the price of a good fluctuated.

The sole objection to this bill is about financing. And as the Representative from South Portland detailed, EUT dug into this issue and received confirmation that utilities will be able to obtain favorable financing. They looked into those processes and confirmed that before making this 10-year limit, because the bill started with a lower amount and they changed it based on all of the input that they got.

Long-term contracts are risky for our communities and for ratepayers. A long-term contract is a risky deal for any seller of a good because markets and prices shift. No business person would sell a good at a set, agreed-upon price for 40 years. Current contracts sell water to Poland Spring for pennies, based on what ratepayers pay; it's tied to what ratepayers pay, and that price doesn't benefit ratepayers if we're signing that for 40 years and if it's tied to a price that is set for us to live, to eat, to shower at an affordable rate. A 10-year contract limit provides an

opportunity to pause and renegotiate if conditions change. It prevents our communities from getting locked into risky deals that will last for generations. The question of how to protect our water will only become more relevant in the years to come. My generation and people younger than me are going to face many challenges related to climate impacts. We need to ensure that water is clean, available and affordable for all Maine residents. Our lives depend on it. Thank you.

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

Representative **UNDERWOOD**: Thank you, Madam Speaker. Saying Maine is going to run out of water is like saying that oil is going to run out in Saudi Arabia. It ain't gonna happen. Vote no.

Representative **COLLAMORE** of Pittsfield **REQUESTED** that the Clerk **READ** the Committee Report.

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

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Lemelin.

Representative **LEMELIN**: Thank you, Madam Speaker, and Members of the House. Again, we are doing what we can to destroy business in Maine. We cannot continue to do this. Activists cannot run this State. This is a partisan Minority Report. The Majority Report is bipartisan. Everyone always brags about how important bipartisanship is. The people of Maine keep asking us over and over again why can't we work together. The Majority Report says we can work together. We're bringing forth the Minority Report which says no, we can't work together. So, please vote no and follow the Majority bipartisan Report. Keep in mind that in the Minority Report, we have nonactivists on both sides opposing the bill, and this is important. Thank you.

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

Representative **DUCHARME**: Thank you, Madam Speaker. I rise today as a trustee of a water district; the treasurer trustee of a water district. And I kind of followed this a little bit, just because it has long-term impacts for our water district in Madison as well as many others. And I would just offer to you that it's interesting that all of the major consumer groups having to do with the water business in the State of Maine are opposed to this. Maine Rural Water is opposed to it, Maine Water Utilities Commission is opposed to it, other groups such as the Maine State Chamber of Commerce is opposed to it, Maine Forest Products Council is opposed to it. There's significant opposition to this bill and yet we're sitting here in this Chamber discussing the Minority Report. It makes no sense to me that we do that. You know, we're a representative government and the bulk of our Representatives have said this ought not to pass, but yet we're discussing letting it go through. It makes no sense. Thank you.

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

ROLL CALL NO. 365

YEA - Ankeles, Arford, Bell, Brennan, Collings, Dhalac, Dodge, Doudera, Eaton, Geiger, Gere, Golek, Hepler, Jauch, Kessler, Kuhn, Lookner, Malon, Mathieson, Millett R, Milliken, Moonen, O'Connell, O'Neil, Osher, Perry A, Pluecker, Rana, Rielly, Riseman, Roeder, Sachs, Salisbury, Sheehan, Sinclair, Skold, Supica, Warren, Williams, Worth, Zeigler, Madam Speaker.

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Bridgeo, Campbell, Carlow, Carmichael, Cloutier, Cluchey, Collamore, Costain, Crafts, Craven, Cray, Crockett, Cyrway, Dill, Drinkwater, Ducharme, Dunphy, Faulkingham, Fay, Foster, Fredericks, Gifford, Graham, Greenwood, Griffin, Guerrette, Hall, Hasenfus, Henderson, Hobbs, Hymes, Jackson, Javner, Lajoie, Landry, Lanigan, LaRochelle, Lavigne, Lee, Lemelin, Libby, Lyman, Madigan, Mason, Mastraccio, Meyer, Millett H, Montell, Moriarty, Morris, Murphy, Ness, Newman, Nutting, Parry, Paul, Poirier, Polewarczyk, Pomerleau, Pringle, Quint, Roberts, Rudnicki, Runte, Russell, Sampson, Schmersal-Burgess, Shagoury, Shaw, Smith, Stover, Strout, Swallow, Terry, Theriault, Thorne, Underwood, White B, White J, Wood, Woodsome, Zager.

ABSENT - Abdi, Boyle, Copeland, Davis, Galletta, Gattine, Gramlich, Haggan, Matlack, Perkins, Perry J, Sargent, Sayre, Simmons, Soboleski, Walker.

Yes, 42; No, 92; Absent, 16; Vacant, 1; Excused, 0.

42 having voted in the affirmative and 92 voted in the negative, 1 vacancy with 16 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative ZEIGLER of Montville, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 865) (L.D. 2037) Bill "An Act to Align the Supplemental Nutrition Assistance Program with Federal Regulations" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 960) (L.D. 1505) Bill "An Act to Amend the Maine Cooperative Affordable Housing Ownership Act" Joint Select Committee on **HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-736)**

(H.P. 1320) (L.D. 2058) Bill "An Act Regarding Compliance with Environmental Permit and License Application Requirements" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-738)**

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

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

ENACTORS

Emergency Measure

Resolve, to Authorize the Chief Justice of the Supreme Judicial Court to Arrange the Constitution of Maine to Incorporate Amendments Approved at the November 2023 Referendum

(H.P. 1407) (L.D. 2196)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act Regarding the State Auditor's Reporting Requirements on State Agencies' Financial Activities

(S.P. 834) (L.D. 2011)

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

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

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

Representative **CARLOW**: Thank you Madam Speaker, I request unanimous consent to address the House on the record.

The SPEAKER: The Representative has requested unanimous consent to address the House on the record. Hearing no objections, the Representative may proceed on the record.

Representative **CARLOW**: Thank you, Madam Speaker. If I had been present on House Roll Call 364, I would have voted in the affirmative.

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

Representative **COPELAND**: Thank you Madam Speaker, I request unanimous consent to speak on the record.

The SPEAKER: The Representative has requested unanimous consent to address the House on the record. Hearing no objections, the Representative may proceed on the record.

Representative **COPELAND**: Madam Speaker, had I been here to vote on the; "An Act Concerning Contracts and Agreement for Large-Scale Water Extraction," LD 1111, I would have voted Ought to Pass as Amended by Committee Amendment "A". Thank you.

On motion of Representative BRADSTREET of Vassalboro, the House adjourned at 11:09 a.m., until 10:00 a.m., Thursday, February 8, 2024.