

MAINE STATE LEGISLATURE

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

Daily Edition

Second Regular Session

beginning January 5, 2022

beginning at page H-1003

CONSENT CALENDAR

First Day

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

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

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

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

ENACTORS

Emergency Measure

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

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

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

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

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

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

Signed:

Senator:

CARNEY of Cumberland

Representatives:

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

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

Signed:

Senator:

KEIM of Oxford

Representatives:

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

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

Signed:

Senator:

SANBORN of Cumberland

Representative:

MORIARTY of Cumberland

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

READ.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The SPEAKER: The Member may proceed.

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

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

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

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

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

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

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

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

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

ROLL CALL NO. 552

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

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

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

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-984)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-984)** and sent for concurrence.

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

**CONSENT CALENDAR
First Day**

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

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

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

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

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

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

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

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

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

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

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

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

**ENACTORS
Emergency Measure**

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

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

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