

**STATE OF MAINE
ONE HUNDRED AND THIRTY-FIRST LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Thursday
February 8, 2024

Senate called to order by President Troy D. Jackson of Aroostook County.

Prayer by First Reader Dale Matheny of First Church of Christ, Scientist in Brunswick.

FIRST READER DALE MATHENY: Good morning. I'll be reading from pastor of our church, the Bible, and the Christian Science textbook, Science and Health with Key to the Scriptures by Mary Baker Eddy. From the Bible, Galatians: The fruit of the spirit is love, joy, peace, longsuffering, gentleness, goodness, faith, meekness, temperance. Against such, there is no law. From Jeremiah: The Lord hath appeared of old unto me, saying yea, I have loved thee with an everlasting love. Therefore, with loving kindness have I drawn thee. First John: And we have known and believed the love that God hath to us. God is love. And he that dwelleth in love, dwelleth in God, and God in him. There is no fear in love, but perfect love casteth out fear. And from Romans: Love worketh no ill to his neighbor, therefore love is the fulfilling of the law. And from Science and Health: God is love. More than this, we cannot ask; higher, we cannot look; farther, we cannot go. Love inspires, illumines, designates, and leads the way. Right motives give pinions to thought and strength and freedom to speech and action. Love is priestess at the altar of truth. God pours the riches of his love into the understanding and affections, giving us strength according to our day. Let us reassure ourselves with the law of love. Amen.

National Anthem Performed by Evelyn LaCroix of Skowhegan.

Pledge of Allegiance led by Senator Glenn C. Curry of Waldo County.

Reading of the Journal of Tuesday, February 6, 2024.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **VITELLI** of Sagadahoc, the following Joint Order:
S.P. 943

Ordered, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, February 13, 2024, at 10:00 in the morning, or until the call of the President of the Senate and the Speaker of the House, respectively.

READ and PASSED.

Ordered sent down forthwith for concurrence.

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

Senator **MOORE** of Washington requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Legislative Day.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Curry.

Senator **CURRY:** Thank you, Mr. President. I rise today in great joy to have with us today members from both the Pinetree and the Dirigo chapters of American Field Service, AFS, foreign exchange, and their hosts, and in a moment, I hope we will be recognizing them. And I just want to say a few words about them. This is their legislative day, and these are the members of foreign exchange who have come from all over the world and they are citizen legislators -- I'm sorry, they are citizen ambassadors and are spending a year here in Maine. They're coming from Spain, France, Germany, Italy, Moldova, Pakistan, Thailand, and Uzbekistan. And I want to thank them for being here, and I want to thank their hosts who have been volunteering for many years -- many of them for years in supporting -- and supporting them. For over the last 30 years, Maine has hosted well over a thousand foreign exchange students to come to Maine, and we've also supported over 850 Maine youth to travel abroad and spend a year experiencing others' cultures. AFS began as an ambulance service program, a humanitarian aid during war time in 1915. After World War II, it transferred -- it transitioned into the program that we are familiar with today of supporting citizen-led youth ambassadors. And I want to thank them for this day, I think it's going to be a big one for them and looking at how we do government and also comparing that with how they do government, and I anticipate lots of wonderful conversations throughout the day. So, I want to thank them for being here.

THE PRESIDENT: The Chair is very pleased to recognize up in the gallery the Youth Citizens Ambassadors representing the countries of Spain, France, Germany, Italy, Moldova, Pakistan, Thailand, and Uzbekistan. We also recognize the Maine volunteers who support them through AFS: Michele Brenner of Casco, Ruth Anne Hohfeld of South Thomaston, Doug West of Monmouth, Rebecca Ferland of Union, Alec Horth of Orland, Bill Bennet of Hamden, Ed Rudinki of Bangor, Ada Curry of Belfast, and Nuthi Gamesh of Bangor. They are all the guests today of the Senator from Waldo, Senator Curry and the entire Maine Senate. Would the guests please rise and accept the greetings of the Maine Senate.

COMMUNICATIONS

The Following Communication: S.C. 876

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

February 5, 2024
The Honorable Troy D. Jackson
President of the Senate
3 State House Station
Augusta, ME 04333

RE: Nominations to the School Board of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf

Dear President Jackson:

I am pleased to nominate the following individuals to serve on the School Board of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf.

For Reappointment: Anna Perna of Holden, Lisette Belanger of Portland, Michael Pulsifer of Cape Elizabeth, Roxanne Baker of Portland and Sandra Wood of Portland.

For Appointment: Barbara Millios of Glenburn, Beth R. Campbell of Hermon and Dawna Thorpe of Hartland.

Pursuant to Title 20-A §7406, this is contingent on confirmation by the Maine State Senate after review by the Joint Standing Committee on Education and Cultural Affairs.

Thank you.

Very truly yours,

S/Janet T. Mills
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 879

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

February 6, 2024

The Honorable Troy Jackson
President of the Senate
3 State House Station
Augusta, Maine 04333

RE: Appointment of Megan Sanders of Old Town to the Maine Human Rights Commission

Dear President Jackson:

I am pleased to nominate Megan Sanders of Old Town for appointment to the Maine Human Rights Commission.

Pursuant to Title 5 MRSA §4561, this appointment is contingent on confirmation by the Maine Senate after review by the Joint Standing Committee on Judiciary

Sincerely,

S/Janet T. Mills
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 881

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

January 31, 2024

The Honorable Troy Jackson
President of the Senate

The Honorable Rachel Talbot Ross
Speaker of the House of Representatives

131st Legislature
State House
Augusta, ME 04333

Dear President Jackson and Speaker Talbot Ross:

Please accept this letter as the report of the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from its review and evaluation of the Land for Maine's Future Board under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

Pursuant to the requirements of the Act, the committee notified the board by letter dated May 1, 2023 of its intent to conduct a review. The board submitted its program evaluation report dated December 15, 2023. The committee has reviewed the report and unanimously finds that the Land for Maine's Future Board is operating within its statutory authority.

Sincerely,

S/Henry Ingwersen S/Bill Pluecker
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 882

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

January 31, 2024

The Honorable Troy Jackson
President of the Senate

The Honorable Rachel Talbot Ross
Speaker of the House of Representatives

131st Legislature
State House
Augusta, ME 04333

Dear President Jackson and Speaker Talbot Ross:

Please accept this letter as the report of the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from its review and evaluation of the Maine State Harness Racing Commission under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

Pursuant to the requirements of the Act, the committee notified the commission by letter dated May 1, 2023 of its intent to conduct a review. The commission submitted its program evaluation report dated November 2023. The committee has reviewed the report and unanimously finds that the Maine Harness Racing Commission is operating within its statutory authority.

Sincerely,

S/Henry Ingwersen S/Bill Pluecker
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 883

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

January 31, 2024

The Honorable Troy Jackson
President of the Senate

The Honorable Rachel Talbot Ross
Speaker of the House of Representatives

131st Legislature
State House
Augusta, ME 04333

Dear President Jackson and Speaker Talbot Ross:

Please accept this letter as the report of the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from its review and evaluation of the Maine Milk Commission under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

Pursuant to the requirements of the Act, the committee notified the commission by letter dated May 1, 2023 of its intent to conduct a review. The commission submitted its program evaluation report dated January 2024. The committee has reviewed the report and unanimously finds that the Maine Milk Commission is operating within its statutory authority.

Sincerely,

S/Henry Ingwersen S/Bill Pluecker
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 884

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

January 31, 2024

The Honorable Troy Jackson
President of the Senate

The Honorable Rachel Talbot Ross
Speaker of the House of Representatives

131st Legislature
State House
Augusta, ME 04333

Dear President Jackson and Speaker Talbot Ross:

Please accept this letter as the report of the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from its review and evaluation of the Maine Dairy and Nutrition Council and the Maine Dairy Promotion Board under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

Pursuant to the requirements of the Act, the committee notified both the board and the council by letter dated May 1, 2023 of its intent to conduct a review. The board and the council jointly submitted a program evaluation report in November of 2023. The committee has reviewed the report and unanimously finds that the

both the Maine Dairy and Nutrition Council and the Maine Dairy Promotion Board are operating within their statutory authority.

Sincerely,

S/Henry Ingwersen S/Bill Pluecker
Senate Chair/House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 891

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON INNOVATION, DEVELOPMENT,
ECONOMIC ADVANCEMENT AND BUSINESS**

February 6, 2024

Honorable Troy Dale Jackson, Senate President
Honorable Rachel Talbot Ross, Speaker of the House
131st Maine State Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross:

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Rep. Roberts of South Berwick, to report the following bill Leave to Withdraw:

L.D. 377 An Act to Relieve Student Debt

Sincerely,

S/Sen. Chip Curry
Senate Chair

S/Rep. Tiffany Danielle Roberts
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 880

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

January 16, 2024

Honorable Troy Dale Jackson, Senate President
Honorable Rachel Talbot Ross, Speaker of the House
131st Maine State Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross:

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Sen. Reny of Lincoln, to report the following bill Leave to Withdraw:

L.D. 370 An Act to Protect Marine Resources in Maine

Sincerely,

S/Sen. Cameron deGrasse Reny
Senate Chair

S/Rep. Allison Hepler
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 885

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
JOINT SELECT COMMITTEE ON HOUSING**

February 5, 2024

Honorable Troy Dale Jackson, President of the Senate
Honorable Rachel Talbot Ross, Speaker of the House
131st Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Housing has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 2138 Resolve, to Improve Funding for Homeless Shelters

This is notification of the Committee's action.

Sincerely,

S/Sen. Teresa S. Pierce
Senate Chair

S/Rep. Traci Gere
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 886

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE**

**COMMITTEE ON INNOVATION, DEVELOPMENT,
ECONOMIC ADVANCEMENT AND BUSINESS**

S/Sen. Cameron deGrasse Reny
Senate Chair

S/Rep. Allison Hepler
House Chair

February 1, 2024

Honorable Troy Dale Jackson, President of the Senate
Honorable Rachel Talbot Ross, Speaker of the House
131st Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Innovation, Development, Economic Advancement and Business has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1806 An Act to Require Online Used Car Dealers to
Be Licensed

This is notification of the Committee's action.

Sincerely,

S/Sen. Chip Curry
Roberts
Senate Chair

S/Rep. Tiffany Danielle
House Chair

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

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

The Following Communication: S.C. 888

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON TRANSPORTATION**

February 5, 2024

Honorable Troy Dale Jackson, President of the Senate
Honorable Rachel Talbot Ross, Speaker of the House
131st Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 369 An Act to Allow Repurposed Military Vehicles to
Be Registered and Operated on Maine Roads

Resolve, Directing the Department of Transportation to Complete a Service Plan and Determine the Scope of Work for Restoration of Rail Use of the Berlin Subdivision Rail Corridor from Downtown Portland to Auburn

This is notification of the Committee's action.

Sincerely,

S/Sen. Ben Chipman
Senate Chair

S/Rep. Lydia Crafts
House Chair

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

The Following Communication: S.C. 887

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

February 5, 2024

Honorable Troy Dale Jackson, President of the Senate
Honorable Rachel Talbot Ross, Speaker of the House
131st Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 710 An Act to Fund the Lobster Legal Defense Fund

This is notification of the Committee's action.

Sincerely,

The Following Communication: S.C. 889

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON TRANSPORTATION**

January 31, 2024

Honorable Troy Dale Jackson, President of the Senate
Honorable Rachel Talbot Ross, Speaker of the House
131st Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 527 An Act to Allow Municipalities to Create Bicycle and Pedestrian Zones with Reduced Speed Limits

This is notification of the Committee's action.
Sincerely,

S/Sen. Ben Chipman
Senate Chair

S/Rep. Lydia Crafts
House Chair

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

The Following Communication: S.C. 877

LORING DEVELOPMENT AUTHORITY OF MAINE

January 25, 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 Loring Development Authority of Maine, due by February 1, 2024.

Don't hesitate to get in touch with me if you have any questions or need additional information.

Thank you.

Very truly yours,

S/Jonathan Judkins
President and CEO

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

The Following Communication: S.C. 878

EFFICIENCY MAINE TRUST

January 30, 2024

Honorable Troy D. Jackson
President of the Senate
3 State House Station
Augusta, ME 04333-0003

Honorable Rachel Talbot Ross
Speaker of the House
2 State House Station
Augusta, ME 04333-0002

Dear President Jackson and Speaker Ross:

Pursuant to 5 M.R.S.A., Section §12023, I am pleased to deliver this the letter of transmittal for the required report from Efficiency Maine Trust due by February 1, 2024.

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

Thank you.

Respectfully submitted,

S/Michael D. Stoddard
Executive Director

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

The Following Communication: S.C. 890

**STATE OF MAINE
OFFICE OF THE STATE AUDITOR**

February 5, 2024

Honorable Members of the Legislative Council for the 131st Legislature;

Honorable Janet T. Mills
Governor of the State of Maine

I am pleased to submit the State Auditor's Fraud Hotline Semiannual Report for the period January 1, 2023, to June 30, 2023.

A summary of the complaints is attached.

Sincerely,

S/Matthew Dunlap, CIA
State Auditor

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

SENATE PAPERS

Bill "An Act Regarding Incentives for Heat Pumps and Other Weatherization Products and Services"
S.P. 942 L.D. 2206

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

On motion by Senator **LAWRENCE** of York, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act Regarding Compliance with Environmental Permit and License Application Requirements"
H.P. 1320 L.D. 2058

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-738)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-738)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-738) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Joint Select Committee on **HOUSING** on Bill "An Act to Amend the Maine Cooperative Affordable Housing Ownership Act"
H.P. 960 L.D. 1505

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-736)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-736)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-736) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Ensure Rural Law Enforcement Services in Maine"
H.P. 407 L.D. 630

Reported that the same **Ought Not to Pass**.

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

The Minority of the same Committee on the same subject reported that the same be **REFERRED** to the Committee on **TAXATION**.

Signed:

Representatives:

ARDELL of Monticello
NUTTING of Oakland

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **BEEBE-CENTER** of Knox, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act Concerning Contracts and Agreement for Large-scale Water Extraction" H.P. 707 L.D. 1111

Reported that the same **Ought Not to Pass**.

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-739)**.

Signed:

Senator:

GROHOSKI of Hancock

Representatives:

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

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **LAWRENCE** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **NANGLE** of Cumberland, 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 Oxford, Senator Bennett.

Senator **BENNETT:** Thank you, Mr. President, Fellow Members of the Senate. Water. Today, we talk about water. Ralph Waldo Emerson wrote a poem about water which I had distributed to your desks. Let me share it with you. The water understands civilization well; It wets my foot, but prettily, it chills my life, but wittily, it is not disconcerted, it is not broken-hearted: Well used, it decketh joy, adorneth, doublith joy: Ill used, it will destroy, in perfect time and measure with a face of golden pleasure elegantly destroy. The measure before us today is, if you'll forgive the pun,

a much watered-down version of the bill of which I was the lead Senate co-sponsor last year. Over two public hearings and five work sessions, the EUT committee took much informed testimony and heard the history of water extraction in our state, much from the people of Western Maine, whom I have the honor to represent. The amended version before us today replaces the bill. Gone is the provision requiring a public vote on contracts with bulk water sales, gone is the three-year limit for such contracts. The version before us simply does the following as summarized in the document. It, quote, amends the laws concerning contracts for large-scale extraction and transportation of water to prohibit a water utility from entering into a contract or agreement for the large-scale extraction of water and the large-scale transportation of water for a term of no more than ten years. It makes the prohibition applicable to existing customers of the water utility. That's it. It imposes a ten-year limit on water utility contracts with bulk extractors and exporters of Maine waters. Simply put, it's outlandish for anyone to think that they can predict a community's water needs 50 years from now. That's what's going on, though, with these bulk water contracts. Twenty-five, 40, 45-year contracts. I do not have to remind the Senate, who has repeatedly had measures before us relating to our changing climate, look to our nation's west to see what happens when water gets scarce. This bill puts reasonable limits on time periods and gives local citizens a voice in their water future. Who among us can be against that? Our water needs as people flock to rural Maine, towns like Fryeburg that I represent have seen growth in our populations and the water needs in this time of demographic change, in the years ahead will put stresses and strains that we cannot even know about today. Our changing climate, our changing communities are not the only things changing. Our capital markets are constantly in flux, too. A few years ago, a private equity entity was formed to buy Poland Spring and all the other North American water bottling assets from publicly traded Nestle. The entity named itself BlueTriton. I refer you to the Wall Street Journal article from last April I have had distributed to your desks this morning. It bears the headline Private Equity's Food Binge Goes Sour. As explained in the article, the BlueTriton transaction was part of a trend for hedge funds and private equity to buy up food and beverage companies - those staples that always have a market, good times and bad. Because regardless of pandemics, foreign wars, or economic stresses, we all have to eat and drink. And of course, in typical fashion, these hedge funds and private equity groups used leverage, borrowed money to finance these transactions. Skip forward two years, and we enter a period of rising interest rates. As the Wall Street Journal article concludes, and I quote, another big buyout facing financial pressure is One Rock Capital Partners, LLC, and Metropolis and Company's \$4.3 billion purchase in 2021 of BlueTriton brands, which owns Poland Spring water and other beverage makers. I continue the quote, the company doesn't have interest rate hedges to mitigate the impact of rising rates on its \$2.4 billion buyout loan, according to a report by Moody's, which downgraded BlueTriton to a low junk rating on March 27th - a low junk rating, end quote. In addition to BlueTriton, many of you know about Maine Water Company based in Saco, founded in 1880, a good Maine business. The company has 80 employees and serves 21 towns. It is now owned by Connecticut Water Services Company, which in turn is a wholly owned subsidiary of SJW Group. What is SJW Group? SJW stands for San Jose Water, as in San Jose, California. Shares in SJW are publicly traded on the New York Stock Exchange. My point here is what we all know; water -

water is big business, and as its scarcity becomes more acute, the business will only get bigger. Friends, we have an opportunity in this Chamber today. In this Maine Senate, with this bill, for the most modest of steps, today can be the day -- today can be that day that will be remembered with gratitude by generations of Mainers yet to be born. Today can be the day when we in the Maine Senate take this very small step to say that Maine waters are for Maine people. That we are worthy stewards of our grandchildren's inheritance. I'd like to share with you some of my constituents' own words, because it is for them that I speak. One wrote me recently, quote, international private equity firms have taken control of approximately 96% of bottled water exports from Maine, and LD 1111 helps with the balance of power. Public water utilities in the state of Maine are vulnerable to being bought by private companies, which is currently happening. Now we are told that ten years is too short to ensure that financing can be successfully found for the companies like BlueTriton or Maine Water Company to build the infrastructure for bulk extraction and transportation. These are my own words now. To that, I say hogwash. These companies have been happy to sign five-year contracts across this state in the recent past and prohibiting such financing -- I'm sorry -- and the producers of such financing testified before the EUT committee that such financing is available and that the rates are competitive. Let me return to other words from my constituents. Maine's largest private water utility company runs water systems in more than 22 communities and recently merged, as I said, with San Jose Water and is on the New York Stock Exchange. Risks associated, my constituent writes, with water utility privatization include but are not limited to high cost of service, undermines water quality, lower quality service, and prioritizes accountability to shareholders over the public. We need to ensure that private utilities are not prioritizing Maine's water for export over the needs of the local environment, people, and economy. Another constituent of mine, quite a young person, wrote me these words: There are no currently -- there are currently no limits on bulk water export contract lengths in Maine. There are few industries where contracts of 45-year length are seen as acceptable, let alone normal. While the bottled water industry in Maine has a long history and presents itself as a local institution, the reality is, is that it is part of a multi-billion-dollar network of brands distributing Maine water as a luxury and convenience item across the northeast, with significant environmental burdens. That constituent goes on to say while the proponents of these contracts often point to action levels and other provisions which temporarily limit or halt groundwater extraction operations in extreme situations, it is also true that there is a distinction in the power and the resources of an industry with millions of dollars at its disposal for lobbyists and lawyers to promote and defend its interests and the rural communities it operates in. Why should we grant, my constituent asks, long-term water access to private equity and multi-billion-dollar industries when the same guarantee does not exist for our communities? A ten-year limit on these contracts is a necessary intervention that would allow communities to reassess local conditions and consider -- reconsider terms on a shorter basis. It is one way -- it is one way we can ensure that the younger generations of a community's leadership will not be bound to a contract they had no say or role in. Friends in the Senate, we do not serve the people of Maine by voting for the report before you and killing this bill. The only people we serve are the big corporations, the hedge funds, and the private equity groups that are seeking the longest-term contracts on our indigenous

resources, so as to get for themselves the lowest costs of capital and the highest valuations so that they can have, again, forgive the pun, high liquidity at the highest prices. But all this financial scheming is trading off the lifeblood, the precious waters of one of the basic elements that make Maine the special place it is, one which Maine people should rightly have stewardship over. Friends of the Senate, how do we of our generation look ourselves in the mirror? We can applaud for the young people sitting before the rostrum today who come to page in the Senate. We recognize the young athletes that instill pride in our communities with their accomplishments. But then we cast votes in this Chamber that takes away their freedom to build their own future. We sell their legacy for a secure tomorrow to satisfy our short-term comforts of today. Let me finish and conclude by returning to the words of Emerson, and particularly the last four lines: Ill used, water will destroy in perfect time and measure with a face of golden pleasure elegantly destroy. Please vote against the motion before us.

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

Senator **CHIPMAN:** Thank you, Mr. President. I would concur with the thoughts of my Good Friend from Oxford, Senator Bennett, on this bill. The way I look at it, the benefits far outweigh the harm. It limits the contracts to ten years; those contracts can be renewed after ten years. With things being as unpredictable as they've been in the last two years with our environment and climate change, we don't know where things are going to be with the aquifers and the water table levels 15, 20, 30 years out from now, and I know that we have had some drought conditions that farmers have had to struggle with over the last few years, and maybe we didn't have drought conditions in the places where water's being extracted, but that could also happen in the future and I think it's a good safeguard to have a ten-year contract and then have a process where that's reviewed and decided whether to renew again after ten years. So, I hope you'll join me in opposing the motion. Thank you.

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

Senator **LAWRENCE:** Thank you, Mr. President, and I wish I could be as eloquent as my seatmate and go on about -- about what this bill does and what it doesn't do. And if this bill did what the Good Senator says, I would certainly support it. But this bill doesn't do that, and this bill is not about one large extraction company. And if the interest is in limiting that extraction company, I invite people to join with me in other legislation I've supported, which is to prevent them from changing locations and getting out of contracts with labor unions, to support things such as a tax on extracted water in the State of Maine, keeping the money here in Maine where we can use it to good things. This bill is a fly on the face of those large water extractors. It's not going to mean one thing to them. What this bill will do is affect your local water district and small businesses. That's the only people this bill impacts. I've supported -- and I've never been a big fan of the large water extraction. I hate the plastic bottles, I hate the fact that you pay three dollars for something that your wonderful water district, local water district, produces for three cents. I don't think people ought to buy bottled water. But this will not change that. What this does, and it doesn't restrict the

large extractors from entering into a contract, it just restricts the water utilities. And in fact, if a large extractor goes into a place without a water utility, they can extract for as long as they want. This just impacts your local water districts, and water districts in Maine are in vulnerable positions. They -- you can't describe one water district being like another. The ones in northern Maine and Lincoln are very different than ones in Hollis, in Buxton, in my district, in other areas. Some are in very healthy financial conditions, some are not. Some have a base of customers that's going down dramatically, some have a base of customers that's going up dramatically. And these water districts have to find a way to survive. Some of them have outdated equipment, some are able to constantly update their equipment. But what this bill says is that they cannot enter into a contract for more than ten years with somebody to do this. And the reality is all business contracts, all commercial financing, is on a 20-year basis. So, when they go in for a contract and they say we only have a ten-year contract, you know, we're this water district in an area where our customers are declining, we can only guarantee we're going to sell this water for ten years and we want to get a 20-year loan to do this, banks are going to say well, you're going to have to pay a higher rate, we're going to have to adjust for that risk. Whereas water districts down in my area who have expanding customer bases aren't going to have that problem. This impacts the water districts. We have four extraction contracts of the type this would affect in the future, three of them are with the companies that my Good Friend from Oxford mentions. One is with a small business that extracts water to make ice to sell to the tourism industry in the state of Maine. That person would not be able to have started his business without having a contract showing that he had a water supply for 20 years to get the equipment to make ice to sell in the community. He just simply wouldn't do it. Poland Spring is not going to have that problem. They're not going to have the problem guaranteeing any bank is going to say hey, you've got a ten-year contract? You're not going anywhere, you're this huge corporation, we know you can pay for 20 years. The only thing this affects is small businesses and water districts. And there are no 50-year or 45-year contracts in Maine. There are contracts for 20 years that have automatic renewal provisions, and that's true, and which the water district can get out, the company can get out. But this doesn't change that. This bill, my reading of the bill doesn't change that. They can enter into a ten-year contract, I didn't see anything limiting automatic renewals in here, we can still have the same thing. It's a bill that really does not address the problem of concerns about aquifers, concerns about water extraction. That's why ultimately, I voted against this. I went back and forth. If we're going to address aquifers, we need to do it through a bill that puts the State in the position of being able to monitor all aquifers and take action on this. That's what we need here. So, if you want to, you know, if your -- if your goal is to shoot a silver bullet at private equity firms and large extractors, you know, I would encourage you to support a tax on bottled water, prevent them from getting out of union contracts by opening up bottling facilities in different areas. This will not impact them at all. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Grohoski.

Senator **GROHOSKI:** Thank you, Mr. President. Good morning, Colleagues of the Senate. Pleased to be with you here today. I just wanted to stand and express my opposition to the motion in

front of you. I support, as I did in committee, the Minority Report on this bill. I think it is very important, as the Senator from Oxford said, Senator Bennett, for us to consider the future of Maine. And when I say that, I don't mean that we should be thinking very short-term, I think we should be thinking in the long-term. And we know that there are already contracts from water extractors that are 20 years with automatic renewal provisions. In some states, these same extractors are looking for 50-year contracts, so whether or not there's a 30-year or 40-year or 50-year contract on the table today does not mean that there will not be one on the table tomorrow. We are very lucky to live in a state that has an abundance of water, but that water is not always evenly available and distributed. We've seen droughts, we've had bills in here to help farmers with infrastructure, with funding for infrastructure to help them get through droughts. So, I think we need to be very thoughtful and cautious when it comes to this critical resource that we cannot live without as human beings. And so, I ask you to oppose the pending motion in order to ensure that all of our water utilities - the ones that are publicly owned, the ones that are privately owned - don't get stuck in a situation that in 20 or 30 years with the conditions of climate change as they are and unpredictable in a situation that they cannot get out of, that cripples our farmers, any other food producers, our economy, you know our young people and our future. I just think it's very important that we create these protections. And I agree with the Senator from York that we can be doing more, and we should be doing more, and I support all those measures. But I think -- and I can't think of a great water pun, but we can walk and chew gum in this body. If I could think of a water pun or if anyone else can, please -- please chime in on that. But let's do as much as we can to protect this critical resource and to make prudent decisions for the future of Maine. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought Not to Pass Report. A roll call has been ordered. Is the Senate ready for the question?

The Chair noted the absence of the Senator from Somerset, Senator **FARRIN**, and the Senator from Oxford, Senator **KEIM**, and further excused the same Senators from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#512)

YEAS: Senators: BALDACCI, BEEBE-CENTER, BLACK, BRAKEY, DAUGHTRY, DUSON, GUERIN, HARRINGTON, INGWERSEN, LAFOUNTAIN, LAWRENCE, LIBBY, LYFORD, MOORE, PIERCE, POULIOT, RAFFERTY, STEWART, TIMBERLAKE, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BAILEY, BENNETT, BRENNER, CARNEY, CHIPMAN, CURRY, GROHOSKI, HICKMAN, NANGLE, RENY, ROTUNDO, TIPPING

EXCUSED: Senators: FARRIN, KEIM

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **LAWRENCE** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Off Record Remarks

Senate

Ought to Pass As Amended

Senator INGWERSEN for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Support Farmland Conservation and Transition Planning for Farmers" S.P. 247 L.D. 579

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-519)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-519) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

Senate As Amended

Bill "An Act to Clarify the Roles and Responsibilities of the Board of Environmental Protection by Adjusting the Requirements for

Certain Hearings and for Certain Agencies by Adjusting the Requirements for Cost-Benefit Analysis" S.P. 362 L.D. 865 (C "A" S-518)

Bill "An Act to Provide That Advanced Recycling Facilities Are Subject to Solid Waste Regulation and That Advanced Recycling Does Not Constitute Recycling" S.P. 665 L.D. 1660 (C "A" S-514)

Resolve, to Construct a New District Headquarters Building for the Bureau of Forestry in Fort Kent S.P. 759 L.D. 1886 (C "A" S-517)

Bill "An Act to Address Food Insecurity by Helping Maine Residents Access Locally Produced Food" (EMERGENCY) S.P. 886 L.D. 2093 (C "A" S-516)

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 Resolve

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

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, was presented by the Secretary to the Governor for approval.

Act

An Act Regarding the State Auditor's Reporting Requirements on State Agencies' Financial Activities S.P. 834 L.D. 2011

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

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

Ought to Pass As Amended

The Committee on **JUDICIARY** on Resolve, to Ensure That the Independent Commission to Investigate the Facts of the Tragedy in Lewiston Has Necessary Authority to Discharge Its Fact-finding Mission (EMERGENCY)
H.P. 1405 L.D. 2192

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-740)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-740)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-740) **READ** and **ADOPTED**, in concurrence.

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

All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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

Senator **DUSON:** Thank you. So, the theme of Black History Month for 2024 is African Americans in the Arts. Today, I share a reading of one of my favorite poems. This piece is written by James Weldon Johnson. He was born in 1871, and he was called home in 1938. In addition to this work, Mr. Johnson authored the song Lift Every Voice and Sing. He published several poetry collections and novels, and he served as a national organizer for the NAACP. The Creation, by James Weldon

Johnson. And God stepped out on space, and he looked around and said: I'm lonely - I'll make me a world. And as far as the eye of God could see, darkness covered everything, blacker than a hundred midnights down in a cypress swamp. Then God smiled, and the light broke, and the darkness rolled up on one side, and the light stood shining on the other, and God said: That's good! Then God reached out and took the light in his hands, and God rolled the light around in his hands until he made the sun; and he set that sun a-blazing in the heavens. And the light that was left from making the sun, he gathered up in a shining ball and flung it against the darkness, spangling the night with the moon and stars. Then down between the darkness and the light, he hurled the world; and God said: That's good! Then God himself stepped down - and the sun was on his right hand and the moon was on his left; the stars were clustered about his head, and the earth was under his feet. And God walked, and where he trod his footsteps hollowed the valleys out and bulged the mountains up. Then he stopped and looked and saw that the earth was hot and barren. So God stepped over to the edge of the world and he spat out the seven seas, and he batted his eyes and the lightning flashed, and he clapped his hands, and the thunders rolled, and the waters above the earth came down, the cooling waters came down. Then the green grass sprouted, and the little red flowers blossomed, the pine tree pointed his finger to the sky, and the oak spread out his arms, the lakes cuddled down in the hollows of the ground, and the river ran down to the sea; and God smiled again, and the rainbow appeared, and curled itself around his shoulder. Then God raised his arm and he waved his hand over the sea and over the land, and he said: Bring forth! Bring forth! And quicker than God could drop his hand, fishes and fowls and beasts and birds swam the rivers and the seas, roamed the forests and the woods, and split the air with their wings. And God said: That's good! Then God walked around, and he looked around on all that he had made. He looked at his sun, he looked at his moon, and he looked at his little stars; he looked at his world with all its living things, and God said: I'm lonely still. Then God sat down - on the side of a hill where he could think; by a deep, wide river he sat down; with his head in his hands, God thought and thought, till he thought: I'll make me a man! Up from the bed of the river God scooped the clay; and by the bank of the river he kneeled him down; and there the great God Almighty who lit the sun and fixed it in the sky, who flung the stars to the most far corner of the night, who rounded the earth in the middle of his hand; this great God, like a mammy bending over her baby, kneeled down in the dust toiling over a lump of clay till he shaped it in his own image; then into it he blew the breath of life, and man became a living soul. Amen. Amen.

Off Record Remarks

On motion by Senator **VITELLI** of Sagadahoc, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, February 13, 2024, at 10:00 in the morning, or until the call of the President of the Senate and the Speaker of the House.