

# MAINE STATE LEGISLATURE

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incarcerated residents. So, they are very much against this bill, feels that their program has been really come a long way and they've been really working hard and I think that I certainly will go along with Senator Deschambault for Ought Not to Pass. Thank you, Mr. President.

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

Senator **CLAXTON:** Thank you, Mr. President and members of the Chamber. I just rise briefly to point out that one of the inherent important pieces of medication assisted treatment is that it be individualized to the needs of the person and so, as a prescribing physician, you have access to the full ranges of medicines already, whether they're covered in the Department or not, and the money that was given last time to the Department to cover these expenses wasn't touched last year. So, there's plenty of money available and this would - not passing this would interfere with the provider's ability to get the right medication to the right person at the right time, which is the hallmark of individualized therapy. Thank you.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Minority Ought Not to Pass Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#788)**

**YEAS:** Senators: BENNETT, BLACK, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, FARRIN, GUERIN, KEIM, MIRAMANT, STEWART, TIMBERLAKE, WOODSOME

**NAYS:** Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DILL, HICKMAN, LAWRENCE, LIBBY, MAXMIN, MOORE, POULIOT, RAFFERTY, ROSEN, SANBORN, VITELLI, PRESIDENT JACKSON

13 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **DESCHAMBAULT** of York to **ACCEPT** the Minority **OUGHT NOT TO PASS**, pursuant to Resolve 2021, chapter 113, section 1, Report, in **NON-CONCURRENCE, FAILED**.

The Majority **OUGHT TO PASS**, pursuant to Resolve 2021, chapter 113, section 1, Report **ACCEPTED**, in concurrence.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

An Act To Regulate the Use of Biometric Identifiers  
H.P. 1450 L.D. 1945

In Senate, April 18, 2022, on motion by Senator **CARNEY** of Cumberland, Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1017), READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1017), in NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1018) AS AMENDED BY HOUSE AMENDMENT "A" (H-1036)** thereto, in **NON-CONCURRENCE**.

Senator **CARNEY** of Cumberland moved the Senate **INSIST**.

Senator **BENNETT** of Oxford moved the Senate **RECEDE** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1017), in NON-CONCURRENCE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECEDE** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1017), in NON-CONCURRENCE**.

**Non-Concurrent Matter**

An Act To Provide Passamaquoddy Tribal Members Access to Clean Drinking Water  
H.P. 662 L.D. 906  
(C "A" H-984)

In Senate, April 14, 2022, **PASSED TO BE ENACTED**, in concurrence.

In House, **RECALLED** from the Governor's Desk, pursuant to Joint Order H.P. 1530, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-984) AS AMENDED BY HOUSE AMENDMENT "A" (H-1035)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **CARNEY** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

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Senate at Ease.

The Senate was called to order by the President.

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On motion by Senator **TIMBERLAKE** of Androscoggin, the Senate **RECONSIDERED** whereby it **RECEDED** and **CONCURRED**.

Senator **MOORE** of Washington moved the Senate **RECEDE** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

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

Senator **MOORE** of Washington moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

Senator **MOORE:** Sorry, Mr. President. I'm just as confused I think as everyone. I withdraw my motion.

Senator **MOORE** of Washington requested and received leave of the Senate to withdraw her motion to **INDEFINITELY POSTPONED** the Bill and accompanying papers, in **NON-CONCURRENCE**.

**THE PRESIDENT:** The pending question before the Senate is Recede from Passage to be Engrossed. A roll call has been ordered. The Chair recognizes the Senator from Washington, Senator Moore.

Senator **MOORE:** Mr. President, I move that we Recede from whereby this bill was Passed to be Engrossed as Amended.

**THE PRESIDENT:** I think, Senator, your motion is out of order. There's already a motion on the floor. You certainly can make remarks to or for that motion.

Senator **MOORE:** Okay. Thank you, Mr. President. I'm quite concerned about the way the amendment is, as it stands now, the Committee Amendment "A" and also House Amendment "A" and so I was asking to be able to present a Senate Amendment that would actually resolve some of the concerns that I have regarding the original bill, the Committee "A" and then the House Amendment as well. That's why I'm going - was going through this process just to present, at least present my Senate Amendment.

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Senate at Ease.

The Senate was called to order by the President.

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Senator **CARNEY** of Cumberland requested and received leave of the Senate to withdraw her request for a Roll Call.

On motion by Senator **MOORE** of Washington, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

On further motion by same Senator, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-984)**, in concurrence.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "A" (H-984)**, in concurrence.

House Amendment "A" (H-1035) **READ**.

On motion by Senator **MOORE** of Washington, House Amendment "A" (H-1035) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

**THE PRESIDENT:** The Chair would advise that trying to give the good Senator from Washington, Senator Moore, the opportunity to present her amendment. The Chair recognizes the Senator from Washington, Senator Moore.

Senator **MOORE:** Thank you, Mr. President and thank you, ladies and gentlemen of the Senate. This is a little bit new to me, so I apologize for the delays here. Mr. President, I present Senate Amendment "A" with a filing number of S-574 to Committee Amendment "A" and move its adoption and wish to speak to my motion.

On motion by Senator **MOORE** of Washington, Senate Amendment "A" (S-574) to Committee Amendment "A" (H-984) **READ**.

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

Senator **MOORE:** Thank you, Mr. President. In the original Committee Amendment "A" - let me back up just a bit. In the original Maine Indian Act, let me put it that way, in Section 5 the limitations specifically states no lands held or acquired by or in trust for the Passamaquoddy tribe or the Penobscot Nation shall be included within or added to the Passamaquoddy Indian Territory except under the recommendation of the Commission and then it goes on to say that no lands within any city, town, village, or plantation shall be added to either the Passamaquoddy Indian tribe or the Penobscot Indian Territory without approval of the Legislative Body of said city, town, village, or plantation, in addition to the approval of the State. In this bill there are two pieces of properties that are being suggested to be moved into the actual Indian territory that actually resides in the town of Perry. As a result of that, my concern is that I feel that the town of Perry should have a say in whether or not this property should be removed from their tax rolls and placed into Indian territory. The amendment, itself, does require the approval by the voters of the town of Perry at a referendum for the addition of land in the Passamaquoddy Indian Tribe as specified in Committee Amendment "A". I will also add that my amendment also removed some of the proposed Maine Indian Act changes. However, all of those were also included in L.D. 1626 that this Body has already passed and is sent forward to the Governor for

signature. The town of Perry is set to lose approximately, well \$2,658 per year from their tax rolls as a result of this transfer and I think that the town of Perry should have the opportunity to weigh in on that and say yes or no to the motion that is being brought forward. Thank you, Mr. President.

On motion by Senator **CARNEY** 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 Cumberland, Senator Carney.

Senator **CARNEY:** Thank you very much, Mr. President and colleagues of the Senate. I just want to remind us where we were a few days ago on L.D. 906. The amendment that has been presented by our colleague, the good Senator from Washington County, actually reverses, in large part, the work that 21 members of this Body voted to support. It reverses the effect of Section 4 of the bill and then strikes the remainder of the bill, which is remaining Sections 5 through 12. The work that we did on L.D. 906 was important work. It was very - it was good work that helped reverse an important human rights issue, the Passamaquoddy Tribe not having access to clean drinking water on its reservation. I would urge colleagues to vote against the pending motion, with all due respect to the sponsor, and recede and concur with the House so that we may move this matter forward, and I would just also note that it is important to take this action in this legislation. This is the bill we're voting on today and we should move forward with the Recede and Concur motion. Thank you.

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

Senator **BREEN:** Thank you, Mr. President. I just wanted to correct the record. L.D. 1626 has been placed on the Special Appropriations Table.

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

Senator **KEIM:** Thank you, Mr. President. I just wanted to stand in support of the pending motion. Our committee did not hear much at all from the people of Perry and we did have an Indian Claims Settlement Act that did, as was read to you, specifically outlined that any Legislative Body of the city, town, or village should give approval to having land being taken into trust and this bill, I need to remind everyone as well, does not change the fact that there is already a pathway for clean water and the solution to that is underway and will continue whether or not this bill passes and there are fair ways to get to a process that would allow this to be under consideration and fair to all members of - all citizens of the state of Maine and not just some.

**THE PRESIDENT:** The pending question before the Senate is Adoption of Senate Amendment "A" (S-574) to Committee Amendment "A" (H-984). Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

### ROLL CALL (#789)

**YEAS:** Senators: BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

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

12 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion by Senator **MOORE** of Washington to **ADOPT** Senate Amendment "A" (S-574) to Committee Amendment "A" (H-984) **FAILED**.

On motion by Senator **CARNEY** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

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

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### ORDERS OF THE DAY

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

#### Emergency Measure

An Act To Expand the Address Confidentiality Program to Victims of Certain Human Trafficking Crimes

S.P. 684 L.D. 1943  
(C "A" S-541)

Placed on Special Highway Table - April 14, 2022, by Senator **DIAMOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, April 12, 2022, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-541).**)  
(In House, April 13, 2022, **PASSED TO BE ENACTED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-541)**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.