



SIERRA CLUB

MAINE CHAPTER

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To: Joint Standing Committee on the Judiciary

From: Becky Bartovics, Sierra Club Maine

Date: February 16, 2022

Re: **Testimony in Support of LD 906: An Act To Provide Passamaquoddy Tribal Members Access to Clean Drinking Water**

Senator Carney, Representative Harnett and members of the Judiciary Committee, my name is Becky Bartovics, and I am speaking as a volunteer with Sierra Club Maine, representing over 22,000 supporters and members statewide. Founded in 1892, Sierra Club is one of our nation's oldest and largest environmental organizations. We work diligently to amplify the power of our 3.8 million members nation-wide, and we urge you to vote "Ought to Pass" on LD 906. Clean water is a source of health and well being. Humans are made of water, as are all living things on this planet. The Passamaquoddy Nation at Sipayik has been deprived of water for far too long.

Passamaquoddy Water District (PWD) serves both the Passamaquoddy Tribal Nation community of Sipayik and the townspeople of Eastport. Despite numerous efforts, the tribe still has unsafe drinking water from the Water District and is forced to purchase highly expensive bottled water, which is not an acceptable solution. Currently, the PWD water is too toxic at times for bathing. Silting of their normal water supply due to runoff from local homes and farms causes water to be seasonally tainted with organic material that once treated contains highly toxic carcinogenic Trihalomethanes, which the EPA has controlled since the 1980's. Yet in Sipiayik and Eastport the PWD continues to deliver unsafe water for both of these communities. A solution has been proposed by Representative Newell to address these problems. It is unconscionable that our Indigenous neighbors have been dealing with this problem for years to no avail. It is beyond time to do the right thing for all the people in Sipayik as well as Eastport.

LD 906 has several key provisions:

1. The PWD is the ONLY water district in the State of Maine required to pay taxes. Why is that? How is it legal? LD 906 will address that problem by exempting the district from property taxes, thus enabling the cash strapped district to afford filtration for the polluted water.
2. However, the supply is silting in and so another source of water must be found. The Passamaquoddy Nation owns land that has proven sources of water. But,

they are not allowed to access the water on their own land from already drilled wells due to local prohibitions that are punitive. LD 906 will address that problem.

3. The Passamaquoddy have built a new school with its own source of water on the Reservation but somehow they are prevented from providing that water for the children in the school. Their property rights have been superseded. This is unconscionable. LD 906 will allow them to have jurisdiction over their own land now prevented by the Settlement Act, to build capacity for safe drinking water and to regulate their own drinking water under the federal Safe Drinking Water Act, thereby protecting both communities in the PWD.

There is no justifiable reason to prevent bonafide owners of land from accessing their own water. There is no justifiable reason to charge taxes on a property providing public water resources, and there is no reason that the Passymaquoddy should not be allowed to regulate their own water on their own land. It is simply wrong to do anything other than vote in favor of LD 906. Sierra Club Maine urges you to do so. In addition, LD 906 should not be considered a substitute for the Tribal Sovereignty bill, LD 1626, heard earlier this week.

Sincerely,

Becky Layton Bartovics

Sierra Club Maine, Volunteer Leadership

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