

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Tuesday
May 17, 2011

Senate called to order by President Kevin L. Raye of Washington County.

Prayer by Pastor Laura E. Church of Vienna, North Vienna and Wilton United Methodist Churches.

PASTOR CHURCH: To all present within this place, thank you for allowing me to be with you this morning and to offer a word of grace at the beginning of this session. If it is your custom to bow your heads and close your eyes when prayer is offered, please do. If you might be willing to pray in a different way, I would ask you to hold your heads up, to look around you at the faces of those with whom you have been elected to serve, and in them see the faces of those who we are all called to serve. Let us pray.

Gracious and merciful God, spirit of life, creator of all that was and is and is to come, we thank You for this day. We thank You that You have created it and given it to us without a price, in gratitude for the gift of this day, may we live it fully and completely in service to You and all of Your children. As we stand at the threshold of this new day, we stand in the face of much that troubles us; nations at war, lands devastated by wind and rain, earthquake, flood and fire; governments facing costly decisions, communities making painful choices, families living in fear and doubt, and children falling thru the cracks. There is much to do. The task looms large before us and we know that we cannot do it alone. We humbly acknowledge that we do not stand alone as this day begins. We stand with those with whom we have been called to serve. May our hearts and our minds be open to genuine listening. May our discourse be filled with courtesy and respect. We stand with those who live and work in the communities from whence we come; the young and the old, the rich and the poor, the employed and the unemployed, the full and the empty, the ones with whom we agree, and the ones with whom we may not.

May the decisions made in this place be the ones that best serve all the people. Above all we acknowledge that we never stand alone on this or any day, for You are standing with us. Help us to recognize Your presence and listen to Your still small voice that will lead us to places of compassion, fairness, mercy, and grace, not just for some but for all. In Your holy name, Amen.

Pledge of Allegiance led by Senator John L. Patrick of Oxford County.

Reading of the Journal of Monday, May 16, 2011.

Off Record Remarks

The President requested the Sergeant-At-Arms escort the Senator from Knox, Senator **RECTOR** to the rostrum where he assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **CHRISTOPHER W. RECTOR** of Knox County.

Off Record Remarks

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

Agapy Lane, of Scarborough, an elementary school teacher in the Gorham school system at both Village Elementary School and Little Falls School, on the occasion of her retirement after 38 years of dedicated service to the community. Ms. Lane taught elementary school for 38 years in Gorham, educating generations of children and affecting many lives. We acknowledge her dedicated commitment to her profession and to the children of the community, and we extend our congratulations and best wishes to her on her well-deserved retirement;

SLS 271

Sponsored by Senator BARTLETT of Cumberland.
Cosponsored by Senator: DILL of Cumberland, Representatives: SIROCKI of Scarborough, VOLK of Scarborough.

READ.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT:** Thank you Mr. President. Thank you for taking this paper out of order. I certainly want to thank the Secretary's Office and all of those who have made it possible to put this together so quickly for me today. I am pleased to recognize Mrs. Lane, who is here with us with her fourth grade class. Not only has she taught for 38 years and not only is she a constituent of mine, but she was my fourth grade teacher a few years back. I remember her for her warm and endearing smile, for her enthusiasm in the classroom, as someone who always made learning fun, even though she was the first teacher to give me homework. I won't hold that against her. It was always a wonderful experience and for 38 years she has inspired kids and helped kids and made their lives better. It is truly is an honor to be here and have this opportunity to present her with this sentiment.

PASSED.

Sent down for concurrence.

THE PRESIDENT PRO TEM: Would Mrs. Lane and her students please rise and accept the greetings of the Senate.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Provide an Option To Register with the Selective Service System When Obtaining a Driver's License"
H.P. 394 L.D. 501
(C "A" H-157)

In Senate, May 11, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-157)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-157) AS AMENDED BY HOUSE AMENDMENT "A" (H-229)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **COLLINS** of York, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Decrease the Tax Burden on Maine's Seniors"
H.P. 601 L.D. 805

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-165)** (8 members)

Minority - **Ought Not to Pass** (5 members)

In House, May 10, 2011, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-165)**.

In Senate, May 12, 2011, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **ADHERED**.

Senator **TRAHAN** of Lincoln moved the Senate **ADHERE**.

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

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **TRAHAN** of Lincoln to **ADHERE**. (Roll Call Ordered)

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Make Changes to Boards and Commissions Concerning Membership, Appointments and Terms"

H.P. 663 L.D. 904

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-182)** (7 members)

Minority - **Ought Not to Pass** (6 members)

In House, May 11, 2011, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-182)**.

In Senate, May 12, 2011, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **PLOWMAN** of Penobscot, the Senate **INSISTED**.

Joint Resolution

The following Joint Resolution:

H.P. 1157

JOINT RESOLUTION TO COMMEND ALL THOSE WHO HAVE TAKEN PART IN THE EFFORTS AGAINST TERRORISM

WHEREAS, members of the United States Armed Forces and the United States counterterrorism community have worked tirelessly to eliminate the most wanted terrorist in the world and leader of al-Qaida, known as "public enemy number one"; and

WHEREAS, members of the United States Special Operations Forces have stood tall for American ideals as they concluded the intense search for and elimination of public enemy number one; and

WHEREAS, they have worked hard to bring justice to the families of the victims and the survivors of the September 11, 2001 attacks on the United States of America; and

WHEREAS, they have diligently worked for justice "o'er the land of the free and the home of the brave"; and

WHEREAS, this momentous achievement marks a victory for America and for all those affected by the September 11, 2001 events worldwide; and

WHEREAS, the fire and police departments of all communities have dedicated their continued support to the safety of our Nation and to the memory of their fallen comrades; and

WHEREAS, many service organizations have continued to keep the memory alive in an effort to never forget the fallen and all victims, families and survivors of September 11, 2001; and

WHEREAS, members of the United States Navy, Army, Air Force, Marines and Coast Guard and their families have committed their lives to continued efforts to protect the homeland against terrorism; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to commend all those who have taken part in the efforts against terrorism and the elimination of the most wanted terrorist, and we thank everyone for the continued support of those affected by the events of September 11, 2001; and be it further

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature, acknowledge that the actions of May 1, 2011 should be honored each year as a day of continued efforts against terrorism and as a day of national unity for our State and Nation.

Comes from the House, **READ** and **ADOPTED**.

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 367

**STATE OF MAINE
125TH LEGISLATURE
OFFICE OF THE GOVERNOR**

May 16, 2011

The Honorable Kevin Raye
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Raye:

This is to inform you that, pursuant to Title 3 M.R.S.A., §154, I am withdrawing my nomination of Glenn W. Burroughs of Lewiston for reappointment to the Workers' Compensation Board.

This nomination is currently pending before the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Thank you for your assistance in this matter.

Sincerely,

S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 368

**STATE OF MAINE
125TH LEGISLATURE
OFFICE OF THE GOVERNOR**

May 16, 2011

The Honorable Kevin Raye
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Raye:

This is to inform you that I am today nominating Glenn W. Burroughs of Lewiston for reappointment to the Workers' Compensation Board.

Pursuant to Title 39-A, MRSA §151, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 369

**STATE OF MAINE
125TH LEGISLATURE
OFFICE OF THE PRESIDENT**

May 16, 2011

Honorable Joseph G. Carleton
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Carleton,

Pursuant to my authority under Senate Rule 201.3, I hereby appoint Senator Cynthia A. Dill to the Joint Standing Committee on Judiciary, effective May 16, 2011. She replaces Senator Philip L. Bartlett, II, whom I had appointed on a temporary basis.

Please let me know if you have any questions regarding this matter.

Sincerely,

S/Kevin L. Raye
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 360

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

May 12, 2011

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 690 An Act To Amend the Laws Governing the Transfer of Prisoners to Other States
- L.D. 1178 An Act To Repeal the Laws Governing the Consolidation of Jails
- L.D. 1192 An Act To Require That Marijuana Seized by Law Enforcement Officers Be Tested and Made Available for Use by Authorized Medical Marijuana Dispensaries
- L.D. 1423 An Act To Amend the Laws Governing Disorderly Conduct

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Garrett P. Mason
Senate Chair

S/Rep. Gary E. Plummer
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 361

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 12, 2011

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 93 An Act To Improve Essential Programs and Services Funding for Education
- L.D. 347 Resolve, Directing the Commissioner of Education To Convene a Task Force To Develop a Proposal for a More Equitable Distribution of Kindergarten to Grade 12 State Education Funding
- L.D. 598 An Act To Provide Assistance to Economically Disadvantaged Students
- L.D. 606 An Act To Protect State Education Funds
- L.D. 758 Resolve, To Establish a Schoolchildren's Well-being Stakeholder Group
- L.D. 886 An Act To Remove All Federal Funding from Inclusion in the Essential Programs and Services Funding Formula
- L.D. 1017 An Act To Improve the Essential Programs and Services Funding Model by Providing for a Cost of Housing Adjustment
- L.D. 1051 An Act To Calculate Essential Programs and Services Funding on an Equal Labor Market
- L.D. 1425 An Act To Protect the Quality and Integrity of Maine's Educational Materials

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Brian D. Langley
Senate Chair

S/Rep. David E. Richardson
House Chair

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

The Following Communication: S.C. 362

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES**

May 12, 2011

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Environment and Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 510 An Act To Exclude Shellfish Processing Facilities from Arsenic Wastewater Testing (EMERGENCY)

L.D. 1320 An Act To Increase the Recycling Rate in Maine

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Thomas B. Saviello
Senate Chair

S/Rep. James M. Hamper
House Chair

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

The Following Communication: S.C. 363

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

May 12, 2011

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 499 An Act To Protect Persons in Residential Care Who Are under Limited Guardianship

L.D. 962 An Act To Amend the Medicaid Income Requirements To Promote Agricultural Labor

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Earle L. McCormick
Senate Chair

S/Rep. Meredith N. Strang Burgess
House Chair

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

The Following Communication: S.C. 364

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON JUDICIARY**

May 12, 2011

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 335 An Act To Allow Foresters, Soil Scientists and Geologists To Use Mechanics Liens
- L.D. 1093 An Act To Require the State To Pay Costs and Fees in Actions against Certain State Agencies
- L.D. 1448 An Act To Protect Time-share Condominium Associations

- L.D. 1481 An Act To Require the State To Transfer Employee Pension Premium Payments to the Employee's Pension Plan within 2 Business Days
- L.D. 1518 An Act To Make Changes to the Laws Regarding Notice and Publication of Unclaimed Property

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

Sincerely,

S/Sen. David R. Hastings, III
Senate Chair

S/Sen. Douglas A. Thomas
Senate Chair

S/Rep. Joan M. Nass
House Chair

S/Rep. H. David Cotta
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. 365

The Following Communication: S.C. 366

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON TAXATION**

May 12, 2011

May 11, 2011

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1002 An Act To Encourage Affordable Housing in Municipal Zoning
- L.D. 1297 An Act Relating to the Qualifications for the Position of Municipal Officer
- L.D. 1373 Resolve, To Produce Cost Savings by Requiring the State E-mail System To Be Hosted by Google
- L.D. 1442 An Act To Clarify Enforcement of Maine's Building Codes
- L.D. 1476 An Act To Streamline the County Budget Process

- L.D. 415 An Act To Provide a Sales Tax Trade-in Credit for Core Parts
- L.D. 550 An Act To Provide a Property Tax Credit to Veterans
- L.D. 752 An Act To Provide Funding for Landfills by Imposing a Gift Package Surcharge
- L.D. 809 An Act Regarding the Fairness of Sales Tax on Certain Precious Metals Purchases
- L.D. 826 An Act To Permit a Local Option Sales Tax
- L.D. 838 An Act To Make the Homestead Property Tax Exemption More Flexible for Municipalities and Remain Revenue Neutral for the State

- L.D. 931 An Act To Ensure Proper Tax Assessment of Property Owners
- L.D. 1096 An Act To Enhance Economic Development by Encouraging Job and Business Growth in Maine's Aviation Industry
- L.D. 1235 An Act To Allow a Tax-free Employee Illness Account
- L.D. 1259 An Act To Encourage Computer Data Center Development
- L.D. 1292 Resolve, To Establish a Study Group To Examine the Taxation by Municipalities of Renewable Energy Facilities' Property
- L.D. 1295 An Act To Amend the Process of Resolving Property Tax Abatement Disputes
- L.D. 1401 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict Property Revaluations
- L.D. 1414 An Act To Provide Property Tax Relief for Year-round Residents 67 Years of Age or Older
- L.D. 1449 An Act To Strengthen Maine Industry through Energy Efficiency Investment

On motion by Senator **SNOWE-MELLO** of Androscoggin (Cosponsored by Representative SIROCKI of Scarborough and Senators: BRANNIGAN of Cumberland, McCORMICK of Kennebec, SULLIVAN of York, WHITTEMORE of Somerset, Representatives: McFADDEN of Dennysville, OLSEN of Phippsburg, TILTON of Harrington, WEAVER of York), the following Joint Resolution:

S.P. 505

**JOINT RESOLUTION RECOGNIZING
MAY 17, 2011 AS DIABETIC PERIPHERAL NEUROPATHY
ALERT DAY**

WHEREAS, diabetes is one of the most prevalent and costly chronic diseases in the United States, and it is estimated that 23.6 million Americans, or 7.8% of the population, including approximately 77,000 Maine residents as of 2005, have the disease, a serious illness that has no cure; and

WHEREAS, another 57 million Americans, or one in 5 Americans, have prediabetes, a condition that puts them at greater risk for developing type 2 diabetes, and the prevalence of diabetes in Maine has been steadily rising, with a 50% increase in nongestational diabetes since 1994; and

WHEREAS, Maine has the highest rate of diagnosed nongestational diabetes in New England, and, among 10 other rural states with similar demographics, Maine ranked 2nd only to West Virginia in the prevalence of diagnosed diabetes; and

WHEREAS, diabetes is a leading cause of chronic disease mortality in the United States, and prevention of the disease is achievable only with education and regular medical care, including recommended testing and self-management practices; and

WHEREAS, diabetes can affect anyone, young and old alike, and minority populations have a higher prevalence of diabetes, especially the Hispanic, African-American, Asian and Native American populations, and minority populations in America have an increased risk for developing type 2 diabetes; and

WHEREAS, the American Diabetes Association estimates that about 60% to 70% of people with diabetes have mild to severe forms of nervous system damage due to diabetic peripheral neuropathy, which is a serious condition that damages nerve fibers due to the prolonged exposure to high amounts of glucose in the blood; and

WHEREAS, diabetic peripheral neuropathy sometimes causes intense chronic pain, including aching, tingling, burning and numbness of the feet, although most patients with this neuropathy have no symptoms but lose sensation in the feet and are at increased risk for falls and complications such as foot ulcers; and

WHEREAS, the rate for amputation of limbs in people with diabetes is 10 times higher than for people without diabetes, and in the United States more than 60% of nontraumatic lower limb amputations occur in people with diabetes; and

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. A. David Trahan
Senate Chair

S/Rep. L. Gary Knight
House Chair

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

Senate at Ease.

Senate called to order by President Pro Tem
CHRISTOPHER W. RECTOR of Knox County.

Off Record Remarks

ORDERS

Joint Resolution

WHEREAS, diabetic peripheral neuropathy accounts for more diabetes-related hospitalizations than any other complication and many hospitalizations and deaths can be prevented by better management of the disease, including annual foot exams that encompass testing and treatment of diabetic foot issues; and

WHEREAS, in 1999, The Neuropathy Association found that 8.6% of all Medicare recipients had peripheral neuropathy as their primary or secondary diagnosis, with peripheral neuropathy treatment accounting for approximately 14 million Medicare claims at an approximate cost of \$3.5 billion dollars; and

WHEREAS, an increase in community awareness of risk factors and symptoms related to diabetes can improve the likelihood that people with diabetes will get the attention they need before suffering devastating irreversible complications; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to indicate our support for public awareness efforts to inform people of the many dangers posed by diabetes and in particular what steps to take to delay or prevent diabetic peripheral neuropathy; and be it further

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature recognize that May 17, 2011 is Diabetic Peripheral Neuropathy Alert Day in Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Health and Human Services, the American Diabetes Association's Maine affiliate and The Neuropathy Association.

READ.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Androscoggin, Senator Snowe-Mello.

Senator **SNOWE-MELLO:** Thank you Mr. President. Ladies and Gentlemen of the Senate, this Resolution recognizes that diabetes is one of the most prevalent and costly chronic diseases in the United States. An estimated that 77,000 Maine residents have the disease, a serious illness that has no cure. Maine has the highest rate of diagnosis of non-gestational diabetes in New England. Diabetes can infect anyone, young and old alike. Some ethnics groups are at higher risk for developing the disease than others. Notably, 60% to 70% of the people with diabetes have mild to severe forms of nervous system damage due diabetic peripheral neuropathy, which sometimes causes intense, chronic pain; including aching, burning and numbness of the feet. Indeed, some diabetics require amputation of lower limbs.

What is the prevention? The prevention of the disease is achievable only with education and regular medical care, including recommended testing and self management practices. Better management of the disease is possible when it includes annual foot exams that encompass testing and treatment of diabetic foot issues. We, the members of the 125th Legislature, take this opportunity to indicate our support for public awareness efforts to inform people of the many dangers posed by diabetes

and, in particular, what steps to take to delay or prevent diabetes and diabetic peripheral neuropathy. Thank you.

On motion by Senator **SNOWE-MELLO** of Androscoggin, **ADOPTED.**

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require the Opportunity To Recite the Pledge of Allegiance in Schools"

H.P. 842 L.D. 1136

Reported that the same **Ought to Pass.**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend and Clarify Certain Education Statutes"

H.P. 959 L.D. 1307

Reported that the same **Ought to Pass.**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Concerning Arrests for Violating Protection from Abuse Orders"

H.P. 539 L.D. 708

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-228).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-228)**.

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

READ ONCE.

Committee Amendment "A" (H-228) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect Minors from Questioning by Private Investigators"

H.P. 647 L.D. 880

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-222)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-222)**.

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

READ ONCE.

Committee Amendment "A" (H-222) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Support Resource Sharing among Maine Libraries"

H.P. 767 L.D. 1033

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-225)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-225)**.

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

READ ONCE.

Committee Amendment "A" (H-225) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Make Minor Changes to Municipal Health Inspection Activities"

H.P. 875 L.D. 1177

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-238)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-238)**.

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

READ ONCE.

Committee Amendment "A" (H-238) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase the Fee Paid to a Funeral Home To Transport a Body at the Request of the State Medical Examiner"

H.P. 955 L.D. 1303

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-239)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-239)**.

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

READ ONCE.

Committee Amendment "A" (H-239) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Modify the Standard of Proof for Traffic Infractions"

H.P. 741 L.D. 1005

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-220)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-220)**.

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

READ ONCE.

Committee Amendment "A" (H-220) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Improve Driver Education Licensing"
H.P. 555 L.D. 748

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-227).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-227).**

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

READ ONCE.

Committee Amendment "A" (H-227) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Allow Police Officers To Operate Mobile Command Units without a Special License"
H.P. 1068 L.D. 1454

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-226).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-226).**

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

READ ONCE.

Committee Amendment "A" (H-226) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Eliminate Penalties under the School Administrative Unit Consolidation Laws for Grand Isle School Department, Madawaska School Department, School Administrative District No. 32 and School Administrative District No. 33"

H.P. 819 L.D. 1107

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

Signed:

Senators:

- LANGLEY of Hancock
- ALFOND of Cumberland
- MASON of Androscoggin

Representatives:

- RICHARDSON of Carmel
- JOHNSON of Greenville
- LOVEJOY of Portland
- MAKER of Calais
- McCLELLAN of Raymond
- NELSON of Falmouth
- RANKIN of Hiram
- WAGNER of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-223).**

Signed:

Representatives:

- EDGECOMB of Caribou
- McFADDEN of Dennysville

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought To Pass as Amended Report.**)

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

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

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS Report**, in concurrence.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the School Consolidation Laws Pertaining to Higher Performing Schools"

H.P. 897 L.D. 1206

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

Signed:

Senators:

- LANGLEY of Hancock
- ALFOND of Cumberland
- MASON of Androscoggin

Representatives:

- RICHARDSON of Carmel
- JOHNSON of Greenville
- LOVEJOY of Portland
- MAKER of Calais
- McCLELLAN of Raymond
- NELSON of Falmouth
- RANKIN of Hiram
- WAGNER of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-224)**.

Signed:

Representatives:

- EDGECOMB of Caribou
- McFADDEN of Dennysville

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Minority **Ought To Pass as Amended Report**.)

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

Reports **READ**.

On motion by Senator **LANGLEY** of Hancock, the Majority **UGHT NOT TO PASS Report ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Support Solar Energy Development in Maine"

H.P. 969 L.D. 1323

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

Signed:

Senators:

- THIBODEAU of Waldo
- BARTLETT of Cumberland
- RECTOR of Knox

Representatives:

- FITTS of Pittsfield
- CORNELL du HOUX of Brunswick
- CRAY of Palmyra
- DION of Portland
- DUNPHY of Embden
- HAMPER of Oxford
- HINCK of Portland
- LIBBY of Waterboro
- LUCHINI of Ellsworth

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representative:

- BEAVERS of South Berwick

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

Reports **READ**.

On motion by Senator **THIBODEAU** of Waldo, the Majority **UGHT NOT TO PASS Report ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Provide Free Hunting, Fishing and Trapping Licenses To Wartime Veterans Who Are at Least 80 Years of Age"

H.P. 405 L.D. 522

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

Signed:

Senators:

- MARTIN of Kennebec
- PATRICK of Oxford
- TRAHAN of Lincoln

Representatives:

- BRIGGS of Mexico
- CLARK of Millinocket
- CRAFTS of Lisbon
- EBERLE of South Portland
- ESPLING of New Gloucester
- GUERIN of Glenburn
- SARTY of Denmark
- SHAW of Standish
- WOOD of Sabattus

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-245)**.

Signed:

Representative:
DAVIS of Sangerville

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

Reports **READ**.

On motion by Senator **MARTIN** of Kennebec, the Majority
OUGHT NOT TO PASS Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Encourage Coyote Management"
H.P. 470 L.D. 640

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

Signed:

Senators:
MARTIN of Kennebec
TRAHAN of Lincoln

Representatives:
BRIGGS of Mexico
CLARK of Millinocket
EBERLE of South Portland
ESPLING of New Gloucester
SARTY of Denmark
SHAW of Standish

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-221)**.

Signed:

Senator:
PATRICK of Oxford

Representatives:
DAVIS of Sangerville
CRAFTS of Lisbon
GUERIN of Glenburn
WOOD of Sabattus

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

Reports **READ**.

On motion by Senator **MARTIN** of Kennebec, the Majority
OUGHT NOT TO PASS Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Insurance Companies To Reissue Qualifying Long-term Care Partnership Policies"
H.P. 472 L.D. 642

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-209)**.

Signed:

Senators:
WHITTEMORE of Somerset
BRANNIGAN of Cumberland
SNOWE-MELLO of Androscoggin

Representatives:
RICHARDSON of Warren
FITZPATRICK of Houlton
GOODE of Bangor
McKANE of Newcastle
MORISSETTE of Winslow
MORRISON of South Portland
PICCHIOTTI of Fairfield
TREAT of Hallowell

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-210)**.

Signed:

Representative:
BECK of Waterville

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-209)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-209)**.

Reports **READ**.

On motion by Senator **WHITTEMORE** of Somerset, the Majority
OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-209) Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-209) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Extend the Historic Preservation Tax Credit"
H.P. 213 L.D. 260

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

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BICKFORD of Auburn
BURNS of Alfred
HARMON of Palermo
WATERHOUSE of Bridgton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-219)**.

Signed:

Representatives:

BERRY of Bowdoinham
BRYANT of Windham
FLEMINGS of Bar Harbor
PILON of Saco

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

Reports **READ**.

Senator **TRAHAN** of Lincoln moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate, I do not make this motion lightly. The reason I make it is because this bill is very similar to another we had yesterday that is now tabled awaiting an amendment. I believe that bill was a very strong report out of the committee and likely would receive much better support than this bill. That is why I made that motion. Thank you, Mr. President.

On motion by Senator **TRAHAN** of Lincoln, Bill and accompanying papers **INDEFINITELY POSTPONED**.

Divided Report

The Majority of the Committee on **TAXATION** on Resolve, To Study Adoption of the Streamlined Sales and Use Tax Agreement
H.P. 344 L.D. 451

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

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BICKFORD of Auburn
BURNS of Alfred
HARMON of Palermo
WATERHOUSE of Bridgton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-112)**.

Signed:

Senator:

WOODBURY of Cumberland

Representatives:

BERRY of Bowdoinham
BRYANT of Windham
FLEMINGS of Bar Harbor
PILON of Saco

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

Reports **READ**.

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

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

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Dill.

Senator **DILL:** Thank you Mr. President. Ladies and gentlemen of the Senate, this bill has to do with the streamline sales tax agreement, which was a creation of the National Governor's Association and the National Conference of State Legislatures in 1999 to simplify the collection of sales and use tax and make it easier for states to administer the collection of sales tax. This is a business friendly bill. The bill, itself, is simply to study what it would take for Maine to join the 26 other states in the country that have joined this interstate compact. The bill was supported by the Maine Merchants Association and the Maine Municipal Association. There are no opponents. There is no fiscal note. It is a bill that is supported widely by Wal-Mart and other businesses around the country because it simplifies a very complicated thing that businesses have to do, which is to collect sales tax. Most importantly though for Maine is that it levels

the playing field between small businesses and large businesses because, as you know Mr. President as a business owner yourself, you are required under Maine law to collect sales tax and remit it to the State and that has a cost to you and to your business. Out-of-state retailers, such as Amazon, transacts business with Maine residents and does not have to collect the sales tax. Now people who purchase things online are supposed to, in fact, denote that they have purchased things online and remit a sales and use tax to the State of Maine. I think it is indisputable that, unfortunately, people, either because they are unaware of that or are unwilling to conform to that law, don't do it. Therefore, Maine and other states that don't comply with the streamline use and sales tax fail to collect significant sums of taxes that are already owed. This bill would simply present information to the Taxation Committee and the Legislature about what it would take for Maine to join the 26 other states to make Maine more business friendly and to simplify and modernize the tax code. I strongly urge members of the Senate to reject the Majority Ought Not to Pass Report. I would simply note also that at the public hearing we had the benefit of hearing how this would help Maine businesses from Maine Merchants Association. We also had the benefit of a former Republican House Speaker from Iowa, Representative Christopher Rants, come and tell us how good this bill is for business. Initially there was a unanimous Ought to Pass report in the Taxation Committee, which pleased me very much. Circumstances arose. I am not quite sure what motivated a prompt and somewhat surprising reconsideration but there was one some weeks ago when I was involved, as some of you know, in an election in District 7. After the reconsideration, there was a Ought Not to Pass on party lines. I am not quite sure why there was reconsideration in committee. This is simply a bill that would collect information, present information to us, as legislators, to make Maine more business friendly. There is no fiscal note. It's supported by the Maine business community. It levels the playing field and it is a good bill for Maine business. I urge you to reject the Majority Ought Not to Pass Report and vote with me to support Maine business. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Woodbury.

Senator **WOODBURY:** Thank you Mr. President. Men and women of the Senate, I too am opposing the pending motion. We have three major taxes in Maine, as you know; income tax, sales tax, and property tax. Nobody likes any of them very much. I think that I would argue that the one they dislike least is the sales tax. One of the great challenges of the sales tax, in the current economy, is that more and more of our purchases are happening initially through mail order and now through internet orders, which don't have you going thru a store where sales tax is naturally collected. The great profound difficulty in trying to collect the sales tax through internet and mail order sales, that are dealing with buyers from all over different states, is that the definitions of what different products vary state by state. The entire goal of the streamline sales tax project is to have common definitions so that you know if you call something groceries, for example, it has that same definition state by state, by state. That is what the streamline sales tax project is about. I consider this largely a conformity bill, trying to conform, or at least how to conform, Maine's definitions to what the national standards of definitions are. All this bill does is ask Maine Revenue Services to look into what our definitions are and to show us what we would need to do

to conform. I want to be very clear, this doesn't lead to taxing anything new. We can still decide that any particular thing is exempt from tax or could be taxed. It just creates an environment where we have the same common definitions. Again, coming back to this bill. The bill is doing nothing but studying how would we change the definitions in Maine if we wanted them to conform to the national standards. I think that is a very sensible thing to do and that is why I am opposing the current motion. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I do want to address an earlier speakers' confusion as to why the bill might have been reconsidered. Our committee reconsidered at the very end dozens of bills that the votes changed. People, as they learned more about the issue, wanted to change their vote. That came from both parties and it happened a lot at the very end. It was very frustrating. That was just one of the bills that got caught up in it. It happened on both sides and it is just part of the process. As far as this bill and why we need to study it, this has been studied before nationally. If we are going to do this amongst the states it should really be done from the national level down, to create an even playing field for all states, and then work toward common definitions of what should be taxed. I think this is an attempt by some states who want to collect the money earlier than when the feds act to get that revenue. For Maine, it would mean about \$50 million in new revenue, according to the testimony. It is in the billions at the federal level. I think states see it as a new revenue stream. I don't disagree with that. In the future, as technology becomes more and more prevalent, you will see states eventually move to this. I believe it makes more sense to have it happen at the federal level instead of having individual states moving in that direction without any federal guidance. I believe that is the intent of the committee.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator **BRANNIGAN:** Thank you Mr. President. I'd pose a question thru the Chair if I may.

THE PRESIDENT PRO TEM: The Senator may pose his question.

Senator **BRANNIGAN:** Thank you Mr. President. Does that mean that the people of Maine fail to pay \$50 million worth of taxes?

THE PRESIDENT PRO TEM: The Senator from Cumberland, Senator Brannigan poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Dill.

Senator **DILL:** Thank you Mr. President. In answer to the Senators' question, yes.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN**: Thank you Mr. President. Ladies and gentlemen of the Senate, a little different answer to that question. I think that we would have to have the streamlining and all of those definitions laid out before we actually had an idea of what that tax would look like once it's collected. Again, these are just guesses from Maine Revenue Services. I think it is important to note that this is an entire new area of statute that needs to be written. Definitions need to be clarified. It's a lot of work. Really, I think it is odd that each state would want to even work on local compacts until we got guidance from federal level on this issue. I think it's an attempt for individual states to form new compacts to create new revenue streams. To the Senator's point, I do remind him that we do have a free market society where people can travel around and find the best buys on goods. If they are doing that as an enforcement issue now, the Revenue Services from each state want to go out and try and enforce it to a greater extent they can do that. I can tell you right now it is not very politically popular. Imagine if we stopped people on the boarder, I will use this as an example, going into New Hampshire. We know how popular that is. If we tell people they can't shop in another state to save money, it maybe technically against the law, but when you try to track these people down and stop them from trying to find deals, I can tell you, it is not very pleasant. I am not saying I am for doing that. I am just saying it is a real mess. To the good Senator's point about trying to streamline it so that we can eventually get there, that may be what we are going to do in the near future, but I think it is unwise to do it as a state without federal guidance.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER**: Thank you very much Mr. President. Men and women of the Senate, I am concerned because this bill, what it seems to do, is trying to level the playing field for business that are here in our state, or at least too look at that. It seems to me very reasonable, since 26 states are already participating in this compact, to proceed and try to level the playing field so our Maine business, the businesses here in our state, are not at a disadvantage to the business online and that are not in Maine. This seems like a very reasonable way to move forward with this and I would really hope that we would use some very commonsense here and try to advantage some of the businesses here in our state. I don't want to incent people to go online to buy their products and items out of state. It weakens our economy here in this state. I am really in favor of moving forward with this because I think that this is an appropriate and business friendly bill. I would hope very much that you might consider joining me and voting against the motion. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Dill.

Senator **DILL**: Thank you Mr. President. Men and women of the Senate, I just want to address three points; one is that there is action being taken at the national level in conjunction with the states efforts in the streamline sales and use tax. There is a federal bill, the Main Street Fairness Act. It is currently moving through the congressional process. The problem that needs to be solved has to be solved at both the federal and state level. The feds are doing their part. The Maine Merchants Association is encouraging Senator Snowe and Senator Collins and our

Congress people to support the Main Street Fairness Act. Meanwhile the states are taking action in order to simplify and make it easier for business to comply with the myriad of state tax laws. The second point, I want to address is that yes, this would be a way for us to collect a tax that is already on the books. What we do with that money is up to us. The Republican House Speaker, Representative Rants, who was here speaking with us, used the money in his state for tax relief. If there was \$50 million in revenue we could use it to decrease our businesses' and constituents' tax burden, which I think is a good thing. The last point I want to make is on this free market idea. Free market depends on rules that are consistently applied. Right now in-state businesses, your book store on Main Street, is under the obligation to collect and remit a sales tax. That is something that costs them money and puts them at a competitive disadvantage to Amazon, which sells the books for less because they don't have to pay for the administration of the collection of sales tax. These out-of-state companies also do not contribute to the roads and the infrastructure that their companies use to make money here in the state. That is why it is businesses that are here in Maine that support this bill. It is a business friendly bill and I urge you to object to the pending motion. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL**: Thank you Mr. President. Men and women of the Senate, I rise today to join in the comments that the good Senator from Cumberland, Senator Woodbury, made earlier in regards to what the intent of this bill is. I think we need to bring it back home and also think about what we often deal with, with our constituencies, especially our small business owners, and their concerns about interpretation of laws and sales tax and addition to the legal arguments they often use, or the agreements they use to be persuasive, for why certain appeals should go forward or why certain taxes shouldn't be collected. They often refer to other states. They talk about conformity and the need to bring greater clarification so that it is done the same way when they are multijurisdictional in the businesses in which they operate. This bill is going to provide answers to us to allow us to move forward in a better way that is pro-business and, in addition to that, is going to allow us talk about raising taxes. There is a likelihood that some taxes will either be eliminated or not assessed on a certain type of sales based on conformity with other states. It cuts both ways. Before we take any action in the future we need to get the answers. That is what the intent of this bill is and I would urge you to oppose this motion.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN**: Thank you Mr. President. I was just going to rise to remind people that this does not do anything to add us to the compact. It doesn't do anything to define and actually collect the tax. This is just a study. This work is being done, as the previous speakers have mentioned, at the federal level already. I think we see this duplicative. I don't think there is anybody in this Chamber that is anti-business, as it is being implied. This has nothing to do with that. This is a study. This is an attempt I think, to get ahead of the curve so that if there is anything done at the federal level that we will be in line to begin to collect those taxes. I will remind you there is also this little old thing called the

Constitution and going across state lines and the sovereignty issues, they are very complicated. It is not as easy as just coming up some new definitions, join a new compact, and start collecting taxes. Our committee was very clear that we think this is premature. I will say that the House Chair mentioned that, maybe during the interim when we are doing some recodification of the tax code, we can look at doing things to see if we can't better line up our tax code. We are ready to do that. I don't think we have to have two things going on at the same time. I do think that members in this Chamber were here when we talked about doing that. It is not like we are trying to be anti-business or anti-agreements or anti-compact. We just feel there is a better mechanism to do that with the entire committee during a recodification of our tax code. With that, I hope that we would continue to support the motion. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Lincoln, Senator Trahan to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#79)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RAYE, RECTOR, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFISKY, GOODALL, HILL, HOBBS, JACKSON, PATRICK, SCHNEIDER, SULLIVAN, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - CHRISTOPHER W. ROSEN

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **TRAHAN** of Lincoln to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Senator **BARTLETT** of Cumberland moved the Senate **RECONSIDER** whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

The Chair **RULED** that Senator **BARTLETT** of Cumberland had not voted on the prevailing side and therefore the motion to **RECONSIDER** was **OUT OF ORDER**.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Limit the Use of the National Guard to Situations Specifically Authorized by the United States Constitution"

H.P. 957 L.D. 1305

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

Signed:

Senators:
FARNHAM of Penobscot
PATRICK of Oxford
PLOWMAN of Penobscot

Representatives:
BEAULIEU of Auburn
CAREY of Lewiston
CHIPMAN of Portland
CROCKETT of Bethel
DAMON of Bangor
JOHNSON of Eddington
LONGSTAFF of Waterville
VALENTINO of Saco
WILLETTE of Presque Isle

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representative:
RUSSELL of Portland

(Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought Not To Pass** Report.)

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

Reports **READ**.

On motion by Senator **FARNHAM** of Penobscot, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate

Ought to Pass

Senator McCORMICK for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Repeal the Laws Governing the Capital Investment Fund"

S.P. 173 L.D. 581

Reported that the same **Ought to Pass**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator McCORMICK for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Convene a Task Force To Study Cost-effective Ways of Dealing with an Increased Population of Those Affected by Alzheimer's Disease
S.P. 263 L.D. 859

Reported that the same **Ought to Pass**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator FARNHAM for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Improve the Administration of the Legislative Ethics Laws"
S.P. 350 L.D. 1150

Reported that the same **Ought to Pass**.

Report **READ**.

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**.

Senator FARNHAM for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Reporting Procedures of Lobbyists"
S.P. 351 L.D. 1151

Reported that the same **Ought to Pass**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator MARTIN for the Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, Concerning Access to the Eastern Road in Scarborough
S.P. 367 L.D. 1246

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-111)**.

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

READ ONCE.

Committee Amendment "A" (S-111) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Allow the Town of Surry To Join School Union No. 93" (EMERGENCY)
S.P. 244 L.D. 800

Reported that the same **Ought to Pass**.

Signed:

Senators:

LANGLEY of Hancock
ALFOND of Cumberland
MASON of Androscoggin

Representatives:

RICHARDSON of Carmel
EDGECOMB of Caribou
JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond
McFADDEN of Dennysville
NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Representative:

LOVEJOY of Portland

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass** Report.)

Reports **READ**.

On motion by Senator **LANGLEY** of Hancock, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Provide Funding for the Fish Stocking Program"

S.P. 64 L.D. 213

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-110).**

Signed:

Senators:

- MARTIN of Kennebec
- PATRICK of Oxford
- TRAHAN of Lincoln

Representatives:

- DAVIS of Sangerville
- BRIGGS of Mexico
- CLARK of Millinocket
- CRAFTS of Lisbon
- ESPLING of New Gloucester
- GUERIN of Glenburn
- SARTY of Denmark
- SHAW of Standish
- WOOD of Sabattus

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass.**

Signed:

Representative:

- EBERLE of South Portland

Reports **READ.**

On motion by Senator **MARTIN** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-110) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Establish Training Routes for School Bus Drivers"

S.P. 424 L.D. 1379

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

Signed:

Senators:

- COLLINS of York
- DIAMOND of Cumberland

Representatives:

- CEBRA of Naples
- GILLWAY of Searsport
- HOGAN of Old Orchard Beach
- MAZUREK of Rockland
- PARRY of Arundel
- PEOPLES of Westbrook
- RIOUX of Winterport
- ROSEN of Bucksport
- THERIAULT of Madawaska
- WILLETTE of Mapleton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass.**

Signed:

Senator:

- THOMAS of Somerset

Reports **READ.**

On motion by Senator **COLLINS** of York, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED.**

Sent down for concurrence.

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

SECOND READERS

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

House As Amended

Bill "An Act To Promote the Financial Literacy of High School Students"

H.P. 161 L.D. 184
(C "A" H-206)

Bill "An Act To Provide Equal Treatment to Members of the Penobscot Nation with Regard to Marine Resources Licenses" (EMERGENCY)

H.P. 441 L.D. 558
(C "A" H-211)

Bill "An Act To Delay the Implementation of the Rental Housing Radon Testing Requirement"

H.P. 783 L.D. 1048
(C "A" H-212)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED, in concurrence.

Senate As Amended

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

S.P. 151 L.D. 518
(C "A" S-108)

Bill "An Act To Amend the Depuration Laws"

S.P. 312 L.D. 992
(C "A" S-105)

Bill "An Act Concerning Independent Contractors in the Trucking and Messenger Courier Industries"

S.P. 332 L.D. 1099
(C "A" S-102)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by President Pro Tem
CHRISTOPHER W. RECTOR of Knox County.

ORDERS OF THE DAY

Unfinished Business

The following matter in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (5/11/11) Assigned matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Add a Member to the Advisory Council on Health Systems Development"
H.P. 564 L.D. 757

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-140)** (11 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - May 11, 2011, by Senator **McCORMICK** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 10, 2011, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-140)**.)

(In Senate, May 11, 2011, Reports **READ**.)

On motion by Senator **McCORMICK** of Kennebec, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senator **PLOWMAN** of Penobscot was granted unanimous consent to address the Senate off the Record.

Senator **COURTNEY** of York was granted unanimous consent to address the Senate on the Record.

Senator **COURTNEY**: Thank you Mr. President. As most of you know, about three weeks ago a tornado swept through Alabama, wiping out homes and business, causing a nuclear power plant to use back up generators, and even forcing evacuation of a National Weather Service office. The tragedy killed more than 250 people and affected thousands of lives, including one of our very own Senators and her family, Senator Plowman. Senator Plowman spoke to the Body on the day after the storm and told of her long roots in Alabama and how this tragedy was near and dear to her heart. Over the past few weeks the 125th Legislature has come together to raise \$1,300 to donate to the American Red Cross Alabama relief fund. Lead by Cliff Chase and members of our staff, we were able to do this without Senator Plowman knowing and today we would like to present this donation to her to give to the Red Cross. Mr. President with your permission, we would ask that Jennifer Gaylord the Representative from the American Red Cross come forward with Senator Plowman. We would like to present this check in Senator Plowman's name on behalf of the 125th Legislature for the relief effort of the Red Cross. Thank you.

Senator **PLOWMAN** of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator **PLOWMAN**: Thank you Mr. President. I would like it to be noted that you will not see this happen very often, I am almost speechless and am crying. Those are two things that don't happen very often. I cannot believe that you kept this from me. Good job. I am overwhelmed by the generosity. I am really speechless. Thank you for including my daughter. That shows a whole lot more than you can imagine to me. As you know, she is going down next week to do some of the hard work that needs to

be done. With that, all I can say is thank you. Thank you very much.

Senator **RAYE** of Washington was granted unanimous consent to address the Senate off the Record.

Senator **SCHNEIDER** of Penobscot was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator **COURTNEY** of York, **ADJOURNED** to Wednesday, May 18, 2011, at 10:00 in the morning.