

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

In Senate Chamber
Thursday
March 15, 2012

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

Prayer by Senator Margaret Craven of Androscoggin County.

SENATOR CRAVEN: Thank you Mr. President. The blessings of God and St. Patrick be with you. I am delighted today to be able to celebrate St. Patrick's Day and my own heritage in such a public forum. We have a distinct language in Ireland and lots of Americans don't know that. I'm going to recite our Lord's Prayer in Irish.

Ár n-Athair atá ar neamh,
Go naofar d'ainim,
Go dtagfadh do ríocht,
Go ndéantar do thoil ar an talamh
mar a dhéantar ar neamh.
Ár n-arán laethúil tabhair dúinn inniu,
agus maith dúinn ár bhfiacha
mar a mhaithimidne dár bhféichiúna féin
Amen.

Now I have another uplifting piece for people who didn't understand, but I hope that you enjoy hearing what Irish sounds like. It's called "Give Praise".

Give praise to the power of the Creator who creates such abundance for humankind to live in harmony and peace. Give praise for all the abundance that allows humankind happiness and joy. If they could just see from the divine that is them they would see this and always be happy and joyful.

It's an Irish blessing. Thank you.

Pledge of Allegiance led by Senator Stanley J. Gerzofsky of Cumberland County.

Reading of the Journal of Wednesday, March 14, 2012.

Doctor of the day, Judith Chamberlain, MD of Brunswick.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **COURTNEY** of York, the following Joint Order:
S.P. 663

Ordered, the House concurring, that when the House adjourn they do so until Monday, March 19, 2012, at 9:00 in the morning and the Senate adjourn until 10:00 in the morning.

READ.

On motion by Senator **COURTNEY** of York, the Joint Order was **INDEFINITELY POSTPONED.**

Off Record Remarks

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

ORDERS

Joint Order

On motion by Senator **COURTNEY** of York, the following Joint Order:

S.P. 666

Ordered, the House concurring, that when the House and Senate adjourn they do so until Monday, March 19, 2012, at 10:00 in the morning.

READ and PASSED.

Sent down for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act Regarding the Matching Funds Provisions of the Maine Clean Election Act" (EMERGENCY)
S.P. 612 L.D. 1774

In Senate, March 8, 2012, **PASSED TO BE ENGROSSED.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-780), in NON-CONCURRENCE.**

Senator **FARNHAM** of Penobscot moved the Senate **RECEDE** and **CONCUR**.

On motion by Senator **PATRICK** of Oxford, 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 Patrick.

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I rise today in opposition to the Recede and Concur motion. This is the Act Regarding the Matching Funds Provisions of the Maine Clean Election Act. We had this the other day and I went home after hearing debate about the 320,000 Mainers that voted for the Maine Clean Election Act that got snookered. As a Clean Election Act candidate, I asked some of the people that I was asking for the \$5 for. Actually four of them happened to be businesspeople. I asked them, back in 1996 when the Maine Clean Election Act was passed, did they have any understanding as to what they were getting into? It was very surprising that everyone actually said yes. They said, "We understand that we're giving our \$5 to you so that you can run without having to have any influence from anyone other than the citizens of the state of Maine." I actually proceeded to tell the people, I said, "Do you guys realize that the citizens of the state of Maine take \$2 million every year and give it to the people running for office?" They said, "Yes." What does that mean, \$2 million? If you divide that by 800,000 voters in the state of Maine, that means every year the citizens of the state of Maine give to politicians \$2.50 each. Another way would be \$5 for an election cycle. That \$5 insures, or should insure, that every elected official that gets elected under the Maine Clean Election Act will only be beholding to the citizens of the state of Maine. I, for one, have been proud to run as an elected official because no lobbyist is going to influence me any more than I'm going to allow them to influence me because I am here for the citizens of the state of Maine. To think that the citizens of the state of Maine got snookered. When I talk to my constituents I asked them, I said, "What's the other alternative to the Maine Clean Election Act?" They said, "Privately financed candidates." I said to myself, "How many of the people that give me \$5?" I asked them, "How many of you people donate \$100, \$200, \$250, or \$500 to a candidate?" Believe it or not, none of them do. None of the citizens that I know really have enough money that they want to give that kind of money. It's actually political junkies who are really into the political process or people who have an awful lot of extra money or companies or unions or lobbyists that give all this money. If I want to run for Senate and I need \$50,000, guess what? I don't know of anyone that is willing to give me \$50,000 to run for a race. If they did, most of my constituents said to me, "Well, geez if I give you \$500 I would probably want something for that." I take a look at the two different standards; public financing versus private financing. What has come of our society today if you look at the national level where it takes millions of dollars to run a race and people can donate unlimited amounts of money? It scares an awful lot of average citizens. Here in Maine, what do we do? You can directly give money to a candidate. You can give endless amounts of money to PACs, leadership PACs. Lobbyists donate. To me, it's scary that we're willing to disenfranchise those 320,000 people and not adequately fund candidates for the Maine

Clean Election system because there are two types. There is the public financing system, that I think really works because up to 80% of the people in the state of Maine have done it and a lot of them have done it successfully. There is privately financed. I have no problem with someone running privately financed or traditionally financed or however you want to say it. I will stand here and defend forever that the people of the state of Maine did not get snookered in any way, shape, or manner and that the \$2 million that they put aside every year so that elections that they have and the people that they elect are elected fairly and in a manner that they feel justified, and that they are going to do the will of the people of the state of Maine. I will say one other time. I am proud to be a Clean Election candidate. The thing that scares me most about what we've done this year is that time will tell, and maybe I'll be wrong and hopefully I can eat my words, that at the end of the next election cycle we will see how much money will pour into the state of Maine from outside sources by the hundreds of thousands of dollars to influence races that now we aren't going to have the funds to do so. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Farnham.

Senator **FARNHAM:** Thank you Mr. President. Exactly. This is exactly why this Body should concur with the other Body and preserve the Maine Clean Election program by only making the changes necessary to remove the matching fund aspect of the program that was deemed unconstitutional by the U.S. Supreme Court.

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

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I take the term used, snookered, as an invite for me to get up. I accept that invitation. Nothing was said about snookering people who voted this Clean Election law. Comments that were made regarding how well the people understood how the system is now working and this bill is about, and was about, adding more money, up to \$50,000 to every Senate candidate. Let's go back to snookering. Why don't we go back and say to those same people, "Do you know what? There are leadership PACs. If I'm a Clean Election candidate, I can also get money from corporations, but will do it around the corner. It's through leadership PACs. I can go around the corner and get money from State parties, through out-of-state influences." I'll bet they don't know that. Let's explain the whole story. Let's not just say how good Clean Elections are, because they are. They serve a good purpose. Tell them the whole story. Explain how, even though I'm a Clean Election candidate, I can still get that corporate money. Only I get it though another way, another door. No one is debating, no one is saying, that Clean Elections are bad. They are not. They serve a good purpose. The issue was do we want to give up to \$50,000 for people to run for office when we're cutting the General Fund Budget, we're cutting MaineCare, and everybody's taking a hit? The extra money that won't be used, \$900,000 plus, by not giving candidates extra money will go towards this next supplemental budget to help balance it. That is where it should go. I don't mind us talking about the issue, but just make sure that if we're going to go back home and talk to people let's go back and tell them the whole story, the rest of the story. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, Clean Elections, I guess it's a hard story to tell, but I think the things we've done the last couple of days we've certainly made it very tough for anyone that doesn't want to accept corporate money to run an election here in Maine. Yesterday we wouldn't even make it so that people have to disclose where the money is coming from. I just think that this Clean Election thing has really been hamstrung. You are not giving Clean Election candidates enough money, many times, to run a really contested race. You are telling them they can't raise any outside money. I really don't know what the alternative is other than to not be a Clean Election candidate. I think it's disingenuous for some of us to get up and say that we hope this isn't a partisan issue, which I've heard a number of times. Somebody, people in this room, has got to have another idea about how they are going to do it because we can look around and there were consistent races that were a lot more than the \$18,000 that Clean Elections is going to give you to run our races. There are people in the room that have got to know that there has got to be another source somewhere to take care of this because we all know that many of our races spent a lot more than \$18,000. You can't raise any private money anywhere else, so how is that going to work? It just is disingenuous to sit here and say that I'm a Clean Election candidate and I know that \$18,000 is going to be significant in many of the races that are going to be run and many of the races that were run in the past.

Finally, I would just say, and maybe some people will not like it and maybe some people will think it's really not that important, that I had a friend. He's still a friend. When I first got involved in what led me to politics, his name was Hilton Hafford, whenever he was asked by the media about why we couldn't get things done in the logging industry he consistently, and you can Google it or whatever and I'm sure you can find it just as soon as I say it, said, "The trouble with the State is that the politicians have been bought and the people don't have enough money to buy them back." I think, with what we're going to do here today with this bill, I can go back and tell Hilton that he's absolutely correct.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, the good Senator was right. We should always talk about the whole story. We talk about the \$50,000 that we were looking to bring the requalifying up to. It is actually \$10,000 less than what matching funds would have given you if people would have thrown tons of money into your race. It would actually save money under the Maine Clean Election system. It was actually less if we had gone with that option. There was also the possibility of going to \$35,000. As a Representative in the other Body and as a Senator, I have consistently been against leadership PACs. I fought hard for PAC reform, for transparency and disclosure, and I have no problem telling all the citizens of my district that I fought against those things that put extra money into the election system. When it comes to PAC reform, election law reform, and all that, I'll put my record up against anyone because you've got to be truthful. I never wanted to be in leadership. I didn't agree

with the Leadership PACs. Heck, I've had times when I've got to go to a lobster dinner just to try to get my sway to get someone get elected Majority Leader or Minority Leader or such leadership. When you get those things, I mean, what does that tell you? Let's get it all out on the table. Yes, there are Leadership PACs. There are all kinds of PACs. There is money that comes into politics. I want to see them lowered. I'd like to see a lot more transparency on some of the reporting bills. This Clean Election thing, we are saving \$900,000. My legislative record has been that I've always wanted to take care of the most vulnerable. I've seen people, over my last 11 years, that wouldn't give a dime to a social program if their life depended on it. Things change and elections have consequences. Now the shoe is on the other foot, so we've got to take a different look, a different twist, at things. Realistically, this bill isn't doing enough for the 30% of the competitive races in the state. It is giving everyone the basic amount that will get you there. If anyone does anything against you, you are not going to have the ability to make that decision whether you need more money or not. You're just going to be handcuffed with a basic amount. Ladies and gentlemen, I think it's still the wrong thing to do. If it comes to those people out in the public that pay the taxes, that gives their money, if we would give them the choice of where they wanted to give their \$2.50 or \$5.00 I think I know where it would go. There are a lot of people that I talked to that are in favor of not giving tax breaks to people, or not giving monies to different social programs. We all have our priorities on where we want our taxes to go, but everyone that I've talked to, every single person, wants to make sure that our elections are as above board and straight forward as they can be. This public financing law, I believe, is the best thing that we've had and it's been diminished in what this bill does. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I won't be rehashing many arguments that we had yesterday, but I do want to say that I have still not received communications from anyone in my district that doesn't want us to strengthen the Clean Election system. The people of Maine really want an electoral process which helps to restore trust in their government. I ask you to think of that as we're deciding whether to remove the strength from our Clean Election system to have a fair process by simply removing the matching. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Farnham to Recede and Concur. 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 (#375)

YEAS: Senators: COLLINS, COURTNEY, DIAMOND, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, GERZOFSKY, GOODALL, HILL, HOBBS, JACKSON, JOHNSON, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

ABSENT: Senator: DILL

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **FARNHAM** of Penobscot to **RECEDE** and **CONCUR**, **PREVAILED**.

Non-Concurrent Matter

Bill "An Act To Limit Eligibility under the Municipal General Assistance Program" (EMERGENCY)
S.P. 647 L.D. 1862

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

In Senate, March 13, 2012, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in **NON-CONCURRENCE**.

On motion by Senator **MCCORMICK** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

Joint Order

Expressions of Legislative Sentiment recognizing:

The following members of the Lee Academy Boys Basketball Team, who have won the 2012 Eastern Maine Class C Championship: players Nathanael Thurlow, Jason Wu, Boubacar Diallo, Jasil Elder, Brandon Bourgoin, Kyler Peters, Dustin Sawtelle, Haris Karagic, Mike Richardson, Sam Brown, Blaine Guido, DJ Johnson, Devin Peters and Brad Kong; and managers Taylor Shorey and Jenny Xiang. We congratulate the team on this accomplishment;

HLS 1056

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

READ.

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

Senator **SCHNEIDER:** Thank you Mr. President. Ladies and gentlemen of the Senate, I am just rising today to congratulate the Lee Academy Boys Basketball Team, on the record, for their outstanding achievement in the Class C Tournament this year. Consistently, Lee Academy has had a very strong team, both in the young women's and young men's sports. I just wanted to hardily congratulate them. Thank you very much.

PASSED, in concurrence.

Joint Resolution

The following Joint Resolution:

H.P. 1390

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SECURE CLEAN WATER ACT FUNDING FOR THE MAINE VOLUNTEER LAKE MONITORING PROGRAM

WE, your Memorialists, the Members of the One Hundred and Twenty-fifth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

WHEREAS, the State of Maine is known for its natural beauty and vast wilderness, its plentiful lakes, ponds and rivers and its abundance of fresh, clean water; and

WHEREAS, Maine's valuable lakes and ponds generate more than \$3.5 billion in revenue annually and support approximately 50,000 jobs in the State; and

WHEREAS, the Maine Volunteer Lake Monitoring Program is a nonprofit organization that trains, certifies and provides technical support to approximately 1,000 active volunteers, who annually gather critical data on the health of Maine lakes and ponds; and

WHEREAS, the Maine Volunteer Lake Monitoring Program, authorized by the Maine Legislature in 1971, partners with many local, state and regional entities involved in lake and pond protection and provides essential information for assessing and protecting these bodies of water to the Maine Department of Environmental Protection and the United States Environmental Protection Agency; and

WHEREAS, historically, the Maine Department of Environmental Protection and the United States Environmental Protection Agency, which are the primary beneficiaries of the Maine Volunteer Lake Monitoring Program, have provided funding to the program for operational costs; and

WHEREAS, federal funding to the Maine Volunteer Lake Monitoring Program has been in the form of a competitive grant through the Maine Environmental Protection Agency, which administers federal Clean Water Act funding in Maine; and

WHEREAS, the annual funding of the Maine Volunteer Lake Monitoring Program has made possible the assessment of the large number of lakes and ponds throughout the State by the program's volunteers; and

WHEREAS, Congress has recently cut funding under the federal Clean Water Act and dramatically narrowed the permitted uses of the funds; and

WHEREAS, the limitation on the use of funds for assessing water resources results in a significant loss in the ability of the State and of the Nation to determine the health of their important water resources; and

WHEREAS, federal Clean Water Act funding is imperative for the State of Maine to protect its valuable water resources through the Maine Volunteer Lake Monitoring Program, an immensely cost-effective program that provides multiple benefits at both the state and national levels; now, therefore, be it

RESOLVED: That We, your Memorialists, request that the President of the United States and the United States Congress restore proper funding under the federal Clean Water Act so that the Maine Volunteer Lake Monitoring Program can continue to do its valuable work, which benefits the State, the region and the Nation; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 744

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

March 13, 2012

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 Tyler C. Hadyniak of Freedom for appointment to the Board of Trustees, University of Maine System.

Pursuant to P & SL 1967, Chapter 229, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 745

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

March 13, 2012

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 Jean Ginn Marvin of Cape Elizabeth for appointment to the Maine Community College System, Board of Trustees.

Pursuant to Title 20-A, MRSA §12705 this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 746

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

March 13, 2012

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 Kaitlyn Kinsey of Fort Fairfield for appointment to the Maine Community College System, Board of Trustees.

Pursuant to Title 20-A, MRSA §12705 this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 747

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

March 13, 2012

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 Heidi H. Sampson of Alfred for appointment to the State Board of Education.

Pursuant to Title 20-A, MRSA §401 this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 748

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

March 13, 2012

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 Kristen K. Bishop of Madison for appointment to the State Board of Education.

Pursuant to Title 20-A, MRSA §401 this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 749

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

March 13, 2012

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 Ward I. Graffam, ESQ. of Portland for appointment to the Board of Trustees, Maine Maritime Academy.

Pursuant to P & SL 1975, Chapter 771 §428 this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 750

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

March 13, 2012

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 Tate Wagstaff of Ellsworth for appointment to the Board of Trustees, Maine Maritime Academy.

Pursuant to P & SL 1975, Chapter 771 §428 this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

Senate at Ease.

Senate called to order by the President.

SENATE PAPERS

Bill "An Act To Clarify the Regulation of Private Natural Gas Pipelines"

S.P. 660 L.D. 1883

Presented by President RAYE of Washington.
Cosponsored by Representative FITTS of Pittsfield and Senators: BARTLETT of Cumberland, HOBBS of York, THIBODEAU of Waldo, Representative: CAIN of Orono.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act To Enhance Opportunities for the Sale of Lottery Tickets" (EMERGENCY)

S.P. 657 L.D. 1880

Presented by Senator PLOWMAN of Penobscot.
Cosponsored by Representative VALENTINO of Saco and Senators: FARNHAM of Penobscot, PATRICK of Oxford, Representative: CAREY of Lewiston.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Establish a Presidential Primary in the State"
S.P. 659 L.D. 1882

Presented by President RAYE of Washington.
Cosponsored by Speaker NUTTING of Oakland and Senator: COURTNEY of York, Representatives: BEAULIEU of Auburn, CAIN of Orono, CAREY of Lewiston, CURTIS of Madison.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **FARNHAM** of Penobscot, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

Sent down for concurrence.

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

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

John T. Cyr and Sons, Inc., of Old Town, on the occasion of its 100th anniversary. In 1912, John Thomas Cyr founded a company with his son Joseph that is still going strong a century later. John T. Cyr and Sons, Inc. began as a livery stable with 32 horses and now employs 235 people and has more than 250 vehicles, including 200 school buses for 18 school departments and 21 coaches doing 4,000 charter trips and tours. Today the company consists of 2 major divisions: John T. Cyr and Sons, which operates school buses; and Cyr Bus Lines, which operates motor coaches in Maine and elsewhere. The company is still a family business. Joseph is at the helm, his son Mike runs the motor-coach division and takes care of the company's computer needs and his daughter Becky is the company bookkeeper. Joseph's brother Peter Cyr handles the vehicle body work. We extend our congratulations to John T. Cyr and Sons, Inc. on its centennial anniversary and send best wishes for continued success in the future;

SLS 602

Sponsored by Senator SCHNEIDER of Penobscot.
Cosponsored by Representatives: DILL of Old Town, DUCHESNE of Hudson.

READ.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, first of all I would like to thank the Senate President and the Speaker for allowing this sentiment to be put forward, it is greatly appreciated, recognizing the outstanding business achievements of the Cyr Bus Lines. I just want to stand up and not only speak to the incredible business that they have grown and how well they are doing in the state, but also to how they are such good corporate citizens and good people in my Senate District. Joe Cyr is a very, very actively involved community member. He has served on many boards of directors, for example, at St. Joseph Hospital, Merrill Merchant Bank, the Old Town YMCA, and has been a big contributor to the Field

House and, in part, really made that successful. I just want to thank them, not only for their business success in our community, but also for being such good citizens and really being an integral part of the Old Town and greater Old Town community. I want to congratulate them and thank you for joining me in that.

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

Senator **ROSEN:** Thank you Mr. President. I'm very grateful that the Senator from Penobscot, Senator Schneider, submitted this sentiment because it gives us the opportunity to recognize a terrific family and a wonderful business. I wish to say, briefly, just a few words from three points of view. First of all, I speak and acknowledge the 100th anniversary of this family business. As an individual that owns and operates a much smaller and more modest family business that has just celebrated our 102nd anniversary, I completely appreciate the challenges you face to continue to operate a family business with all the dynamics that are involved. I also want to stand and congratulate John T. Cyr and Sons, Joe Cyr, and his family. Representing a district that houses many men and women that currently are employed with the Cyr family, or have previously been employed, and enjoys the benefits of not only of the community service that good Senator Schneider expressed, but also the stability and economic impact of this business. It helps many school districts across the state and has over the years and also provides some just terrific memories that people have enjoyed when they take many of the personal excursions all across the country. Finally, on a personal note. My father-in-law, the father of my Representative in the other Body, enjoyed his long career and service as a driver for the Cyr family for many, many years. Operated the daily run from Old Town to Caribou and back and then launched a variety of different tours. One in particular that comes to mind. George Clark from Oakfield. A group of senior citizens approached him and they said, "George, we would love to take a trip to Alaska. Would you drive us to Alaska?" This was a senior citizen group from the County that had a range of health issues, but off they went. They headed out and they had a wonderful tour. On the way back from Alaska they decided they wanted to see a Red Sox game. Of course the Red Sox were playing in Los Angeles at the time, so they took a little tour and stopped by L.A. and came back home and had a terrific time. There are years and years of wonderful memories of both the community service and the terrific contributions from the Cyr family. I'm very happy to acknowledge their 100th anniversary today.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is very pleased to recognize in the rear of the chamber, representing this venerable and distinguished Maine business, celebrating 100 years, Joe Cyr, the owner, accompanied by Mike Cyr and Rick Soules. Will they please rise and accept the greetings of the Maine Senate.

On motion by Senator **CRAVEN** of Androscoggin (Cosponsored by Representative CAIN of Orono and Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BRANNIGAN of Cumberland, COLLINS of York, COURTNEY of York, DIAMOND of Cumberland, DILL of Cumberland, FARNHAM of Penobscot, GERZOFISKY of Cumberland, GOODALL of Sagadahoc, HASTINGS of Oxford, HILL of York, HOBBS of York, JACKSON of Aroostook, JOHNSON of Lincoln, KATZ of Kennebec, LANGLEY of Hancock, MARTIN of Kennebec, MASON of Androscoggin, McCORMICK of Kennebec, PATRICK of Oxford, PLOWMAN of Penobscot, President RAYE of Washington, RECTOR of Knox, ROSEN of Hancock, SAVIELLO of Franklin, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SNOWE-MELLO of Androscoggin, SULLIVAN of York, THIBODEAU of Waldo, THOMAS of Somerset, WHITTEMORE of Somerset, WOODBURY of Cumberland, Representatives: AYOTTE of Caswell, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BEAVERS of South Berwick, BECK of Waterville, BELIVEAU of Kittery, BENNETT of Kennebunk, BERRY of Bowdoinham, BICKFORD of Auburn, BLACK of Wilton, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BRYANT of Windham, CAREY of Lewiston, CASAVANT of Biddeford, CEBRA of Naples, CELLI of Brewer, CHAPMAN of Brooksville, CHASE of Wells, CHIPMAN of Portland, CLARK of Millinocket, CLARK of Easton, CLARKE of Bath, CORNELL du HOUX of Brunswick, COTTA of China, CRAY of Palmyra, CROCKETT of Bethel, CURTIS of Madison, CUSHING of Hampden, DAMON of Bangor, DAVIS of Sangerville, DILL of Old Town, DION of Portland, DOW of Waldoboro, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUNPHY of Embden, EBERLE of South Portland, EDGEComb of Caribou, ESPLING of New Gloucester, EVES of North Berwick, FITTS of Pittsfield, FITZPATRICK of Houlton, FLEMINGS of Bar Harbor, FLOOD of Winthrop, FOSSEL of Alna, FOSTER of Augusta, FREDETTE of Newport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GUERIN of Glenburn, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HARMON of Palermo, HARVELL of Farmington, HASKELL of Portland, HAYES of Buckfield, HERBIG of Belfast, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, INNES of Yarmouth, JOHNSON of Eddington, JOHNSON of Greenville, KAENRATH of South Portland, KENT of Woolwich, KESCHL of Belgrade, KNAPP of Gorham, KNIGHT of Livermore Falls, KRUGER of Thomaston, KUMIEGA of Deer Isle, LAJOIE of Lewiston, LIBBY of Waterboro, LONG of Sherman, LONGSTAFF of Waterville, LOVEJOY of Portland, LUCHINI of Ellsworth, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MALONEY of Augusta, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, McCLELLAN of Raymond, McFADDEN of Dennysville, McKANE of Newcastle, MITCHELL of the Penobscot Nation, MONAGHAN-DERRIG of Cape Elizabeth, MORISSETTE of Winslow, MORRISON of South Portland, MOULTON of York, NASS of Acton, NELSON of Falmouth, NEWENDYKE of Litchfield, Speaker NUTTING of Oakland, O'BRIEN of Lincolnville, O'CONNOR of Berwick, OLSEN of Phippsburg, PARKER of Veazie, PARRY of Arundel, PEOPLES of Westbrook, PETERSON of Rumford, PICCHIOTTI of Fairfield, PILON of Saco, PLUMMER of Windham, PRESCOTT of Topsham, PRIEST of Brunswick, RANKIN of Hiram, RICHARDSON of Carmel, RICHARDSON of Warren, RIOUX of Winterport, ROCHELO of Biddeford, ROSEN of Bucksport,

Joint Resolution

ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SANDERSON of Chelsea, SARTY of Denmark, SHAW of Standish, SIROCKI of Scarborough, SLAGGER of the Houlton Band of Maliseet Indians, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, THERIAULT of Madawaska, TILTON of Harrington, TIMBERLAKE of Turner, TREAT of Hallowell, TURNER of Burlington, TUTTLE of Sanford, VALENTINO of Saco, VOLK of Scarborough, WAGNER of Lewiston, WALLACE of Dexter, WATERHOUSE of Bridgton, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WILLETTE of Mapleton, WILLETTE of Presque Isle, WINSOR of Norway, WOOD of Sabattus), the following Joint Resolution:

S.P. 662

**JOINT RESOLUTION
IN HONOR OF ST. PATRICK'S DAY AND IN RECOGNITION
OF THE IRISH CONTRIBUTION TO MAINE AND TO THE
UNITED STATES**

WHEREAS, St. Patrick is the patron saint of Ireland, known for bringing Christianity to Ireland and, it is said, for instilling a sense of literacy and learning that allowed Ireland to become the "isle of saints and scholars" when the rest of Europe was in the Dark Ages; and

WHEREAS, the feast day of St. Patrick is the only national holiday that is given recognition outside its native land, which indicates the Irish influence throughout the world; and

WHEREAS, the modern secular holiday of St. Patrick's Day was first celebrated in America in Boston during colonial days and the first St. Patrick's Day Parade in New York City was in 1766 and now all Americans celebrate St. Patrick's Day with pride; and

WHEREAS, millions of Irish people emigrated from Ireland in the 1800s to escape brutal poverty and starvation due to the Irish potato famine, and most of those people came to America to start new lives and to embrace and contribute to a new land; and

WHEREAS, tens of thousands of Irish immigrants arrived in New England and many came to Maine, and the Irish have been an important part of Maine's culture, history and society ever since; and

WHEREAS, within a few years of their arrival in the United States and in Maine, these Irish immigrants became part of the American cultural landscape while preserving the best of their native culture, and they dedicated themselves to helping build this Nation and State; and

WHEREAS, 4 signers of the Declaration of Independence were Irish-born and 9 signers were of Irish ancestry and 20 Presidents of the United States have proudly claimed Irish heritage, including George Washington, the father of our country; John Fitzgerald Kennedy; and Ronald Reagan; and

WHEREAS, the 44,000,000 Americans of Irish ancestry, like their forebears, continue to enrich all aspects of life in the United States, in science, education, art, agriculture, business, industry, literature, music, athletics, entertainment and military and government service; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to encourage the celebration of St. Patrick's Day, and, recognizing the valuable contribution to our State and to our Nation of all Irish-American citizens, we urge the citizens of the State to commend and celebrate the integrity and richness of the Irish culture.

READ.

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I know you want to hear a bit more about St. Patrick's Day, so here I am, getting up to tell you. St. Patrick's Day is a holy day in Ireland to celebrate the contributions of bringing Christianity to Ireland. Here in the U.S. the large celebrations now are a result of the St. Patrick's Day parade that started and was organized in New York to combat discrimination against the Irish when they got here during the famine and afterwards. The parade was organized as an Irish pride event. The parade has served for many marginalized groups since and many people use the parade to stand up for themselves, to stand up for their rights. Please read the Resolution that bears all of your names and find out the immeasurable contributions that people of Irish heritage have made to this country in the last 260 years. Thank you, Mr. President.

On motion by Senator **CRAVEN** of Androscoggin, **ADOPTED.**

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Joint Order

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government To Address Revenue Shortfalls Projected for the Fiscal Year Ending June 30, 2012"
H.P. 1384 L.D. 1870

Reported that the same **Ought to Pass**, pursuant to Joint Order 2011, H.P. 1367.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY AS AMENDED BY HOUSE AMENDMENT "A" (H-778).**

Report **READ.**

Senator **ALFOND** of Cumberland moved to **TABLE** until Later in Today's Session pending **ACCEPTANCE OF THE REPORT**, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#376)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, GERZOFSKY, GOODALL, HOBBS, JACKSON, JOHNSON, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

NAYS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, HILL, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

ABSENT: Senator: DILL

14 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **ALFOND** of Cumberland to **TABLE** until Later in Today's Session pending **ACCEPTANCE OF THE REPORT**, in concurrence, **FAILED**.

Report **ACCEPTED**, in concurrence.

READ ONCE.

House Amendment "A" (H-778) **READ** and **ADOPTED**, in concurrence.

Senator **BARTLETT** of Cumberland **OBJECTED** to **SUSPENSION OF THE RULES** for the purpose of giving this Bill its **SECOND READING** at this time.

Senate at Ease.

Senate called to order by the President.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Ensure Confidentiality of Juvenile Case Records"

H.P. 1203 L.D. 1597

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-779).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-779).**

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

READ ONCE.

Committee Amendment "A" (H-779) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-779)**, in concurrence.

Ordered sent forthwith to the Engrossing Division.

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Improve the Department of Environmental Protection's Annual Waste Discharge License Fee System"

H.P. 1302 L.D. 1768

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-771).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-771).**

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

READ ONCE.

Committee Amendment "A" (H-771) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-771)**, in concurrence.

Ordered sent forthwith to the Engrossing Division.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Reduce Deer Predation"

H.P. 298 L.D. 372

Reported that the same **Ought to Pass as Amended by Committee Amendment "C" (H-769).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-769)**.

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

READ ONCE.

Committee Amendment "C" (H-769) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-769)**, in concurrence.

Ordered sent forthwith to the Engrossing Division.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, Regarding Access to Eastern Road in Scarborough
H.P. 1340 L.D. 1817

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-770)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-770)**.

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

READ ONCE.

Committee Amendment "A" (H-770) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-770)**, in concurrence.

Ordered sent forthwith to the Engrossing Division.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend Education Laws"
H.P. 1284 L.D. 1742

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-757)**.

Signed:

Senators:
LANGLEY of Hancock
MASON of Androscoggin

Representatives:

EDGECOMB of Caribou
JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond
McFADDEN of Dennysville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-758)**.

Signed:

Senator:
ALFOND of Cumberland

Representatives:

RICHARDSON of Carmel
LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended by Committee Amendment "A" (H-757)** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-757)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-757)**.

Reports **READ**.

On motion by Senator **LANGLEY** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-757)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-757) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-757)**, in concurrence.

Ordered sent forthwith to the Engrossing Division.

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Stabilize Solid Waste Management Funding"
H.P. 937 L.D. 1278

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-776)**.

Signed:

Senators:

SAVIELLO of Franklin
GOODALL of Sagadahoc
SHERMAN of Aroostook

Representatives:

HAMPER of Oxford
AYOTTE of Caswell
DUCHESNE of Hudson
HARLOW of Portland
INNES of Yarmouth
KNAPP of Gorham
NASS of Acton
PARKER of Veazie
WELSH of Rockport

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

Signed:

Representative:

LONG of Sherman

Comes from the House with 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-776)**.

Reports **READ**.

On motion by Senator **SAVIELLO** of Franklin, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-776) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-776)**, in concurrence.

Ordered sent forthwith to the Engrossing Division.

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Improve Maine's Capacity To Produce Low-cost Renewable Energy through Hydroelectric Power"

H.P. 1271 L.D. 1718

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

Signed:

Senators:

SAVIELLO of Franklin
GOODALL of Sagadahoc

Representatives:

HAMPER of Oxford
DUCHESNE of Hudson
HARLOW of Portland
INNES of Yarmouth
KNAPP of Gorham
LONG of Sherman
NASS of Acton
PARKER of Veazie
WELSH of Rockport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-777)**.

Signed:

Senator:

SHERMAN of Aroostook

Representative:

AYOTTE of Caswell

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

Reports **READ**.

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

Senate

Pursuant to Joint Order

Senator THOMAS for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding the Commercial Sale of Deeds Records"

S.P. 658 L.D. 1881

Reported that the same be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, pursuant to Joint Order, S.P. 638.

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

Bill and accompanying papers **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Ensure Harvesting of Timber on Land Taxed under the Maine Tree Growth Tax Law"

S.P. 459 L.D. 1470

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-441).**

Signed:

Senators:

COURTNEY of York
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BERRY of Bowdoinham
BICKFORD of Auburn
HARMON of Palermo
PILON of Saco
WATERHOUSE of Bridgton
WEAVER of York

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

Signed:

Representative:

BRYANT of Windham

Reports **READ.**

Senator **COURTNEY** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **COURTNEY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Resolve, Regarding Legislative Review of Portions of Chapter 378: Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)
H.P. 1320 L.D. 1794

Resolve, Regarding Legislative Review of Portions of Chapter 305: Permit by Rule, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)
H.P. 1323 L.D. 1797

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

House As Amended

Bill "An Act To Clarify the Court's Authority To Grant Credit Given for Jail Time toward Payment of Fines"
H.P. 1204 L.D. 1598
(C "A" H-760)

Bill "An Act To Amend the Law Governing Abatements of Property Taxes for Infirmary or Poverty"
H.P. 1245 L.D. 1693
(C "A" H-754)

Bill "An Act To Amend the Motor Vehicle Laws"
H.P. 1262 L.D. 1710
(C "A" H-763)

Bill "An Act Concerning Technical Changes to the Tax Laws"
H.P. 1293 L.D. 1752
(C "A" H-767)

Resolve, Regarding Legislative Review of Chapter 140: Public Charter Schools, a Major Substantive Rule of the Department of Education (EMERGENCY)
H.P. 1308 L.D. 1783
(C "A" H-759)

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

Bill "An Act To Require Carbon Monoxide Detectors in Additional Residential Facilities"
H.P. 1286 L.D. 1744
(C "A" H-761)

READ A SECOND TIME.

On motion by Senator **SCHNEIDER** of Penobscot, 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 Penobscot, Senator Schneider.

Senator **SCHNEIDER**: Thank you Mr. President. Men and women of the Senate, I didn't really want to rise today, but I felt compelled to so because this bill give me some heartburn. In the past we have put through laws that sometimes I think if we were to direct our attention to issues that cause greater harm we would do more good. I want to give you an example. I had on oil burner that was broken by an oil company when they were fixing it. Because I had to replace the oil burner, I had to reline my chimney. I have an 1830's house. My chimney was not large enough because they believed it was a coal burning fireplace. I had to literally build a new chimney on the exterior of my house because of a law that we passed that modeled California law. I thought how fortunate I was at the time that I was able to afford it, barely, because it was a very great expense. We sometimes pass laws and we don't really take into account not only the cost to lives, but the monitory cost involved. How many problems have existed to cause us to go to this level of extreme in solving problems that perhaps don't really exist, or they don't very often exist? We know things like texting and driving is a major problem and it's causing a lot of human loss. I know that nobody wants one person to die from carbon monoxide exposure, but I also think we have to look for balance. This law now requires every single new construction of every hotel room going forward to have a carbon monoxide monitor in it, like a fire detector. I asked about how many problems there are? When we talk about it in the grand scheme of things, how many people have lost their lives? Generally speaking, the loss of life comes from people who are cold. They bring a generator into their house and they die of carbon monoxide poisoning. It's a horrible and tragic thing. I also don't think that this is very likely to happen in inns and hotels. It disturbs me that we go to sort of the extremes to solve problems that, yes, occur from time to time. It's horrible when they occur. Is this the extreme that we want to go to? Is this the level of trying to rectify a problem that happens very infrequently? I have an 1830's house. Because of a law that we passed a couple of years ago, and it's a two family home, I had to go out and buy a whole bunch of these carbon monoxide detectors. There is no way. My house breathes. There is no way that there is going to be carbon monoxide issues in my house. Because of a law that we passed I was forced to spend quite a lot of money on these detectors. Every single person in this state is going to be paying for this because of a few incidences. They are horrible and tragic when they happen. I've seen this happen over and over. I see people having to bear the cost of it over and over. I have experienced it and I've always felt really fortunate that I've been in a position, financially, to pay for that. I thought, "What about the person who doesn't have that kind of money?" I'm not wealthy, but there are a lot of people who are just trying to pay their bills. We talk a lot about increasing fees and taxes. I'm telling you right now, this is definitely a huge increase, huge, to construction. I felt like I wanted to vote in opposition to it, given the current situation that everybody is under, financially. I don't think that this is the right time and place for it. Thank you for listening.

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

Senator **MASON**: Thank you Mr. President. Men and women of the Senate, I appreciate the concerns of the Senator from Penobscot, Senator Schneider. The bill in front of you was a unanimous committee report out of our committee. It was a

compromise reached on both sides of the aisle on this issue. The bill, in the bulk, refers to fraternity houses, sorority houses, and dormitories in the state. We have many colleges and universities in our state that people live there. As the member of this Body that's probably the closest removed from college, one of the deciding factors in my college experience was not the dormitory. Sometimes when you are a college kid those aren't the things that you think of. I think that, going forward, we ought to think about that. We ought to make sure that those kids have an alarm in their room, just like we have a smoke detector in their room. You can buy the smoke detector/carbon monoxide detector for relatively the same price. We already require those in our dormitories and fraternity houses and whatnot. I would encourage you to support the bill that is in front of you. I think it is pretty much commonsense. I think it was something that everybody on the committee agreed to. I think we should move forward with it. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Arostook, Senator Sherman.

Senator **SHERMAN**: Thank you Mr. President. Ladies and gentlemen of the Senate, this is déjà vu all over again. We've had these sorts of bills before. I'd just like to read what this covers. It says: any addition to or restoration of an existing single family dwelling that adds at least one bedroom to the dwelling in it. These are going to be hardwired in, if I read this. If you add a bedroom, you would come under this. The fraternity house is also listed here. Part C, any conversion of a building to a single family dwelling. If you have an older house that is divided up into two apartments, as I read this, and it becomes a single family dwelling, you are going to hire the electrician and the carbon monoxide detector must be powered by both electrical service in the building or dwelling and by battery. Hotel or motel, inn or bed and breakfast; upon initial licensing, which is sort of okay. If you're converting a building into one of those three, you would also be hardwired. The second page, new construction. This probably makes some sense. If you are doing this new, it might be a place for these. I have an old house. Heated by pellets. We're going to have to pay taxes on that now, I understand, or swear that we're using it for heating only. That's neither here nor there. We have smoke detectors. Change them on a regular basis. You can buy a carbon monoxide check. They are not hardwired. We have a house that used to be an apartment house. We opened it up into a single house. I assume that we are grandfathered, or grandmothered, whatever we call it these days. I think there is a big cost issue here. I must agree with the good Senator from Penobscot. Probably the single time I'll do that. Thank you.

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

Senator **GERZOFSKY**: Thank you Mr. President. Ladies and gentlemen of the Senate, the committee on Public Safety heard this bill. We discussed it at length. We had all the stakeholders come in and discuss it with us. We sent them back out to come up with a compromise bill. The inn owners, all the stakeholders. They came back with a bill that we could all support, counting them. It's a make sense sort of bill. I also have an old home, pre 1900's. I did put the carbon monoxide detectors in my home two years ago when we had a bill brought in front of us because

we've lost so many lives in the state of Maine. We had a family come in that testified to losing most of their family. We have a problem in some of our older homes. This made a lot of sense. Back then we were plugging them into the walls. This bill that came forward this year dealt with the motels and dealt with major reconstructions. It dealt with dorms, as my good Chair mentioned earlier. Places where people expect to go to sleep and wake up in the morning. Carbon monoxide is odorless. It has no odor. It's not going to wake you up. It doesn't taste. It doesn't float like other gases. It hangs around lower to the floor. We talked about this in committee from every angle we could find, especially with the stakeholders. When you have that kind of a bill come in to any committee in this room that we serve on that you put through this kind of work, keep it as a carry-over, and continue working it, and come up with a compromise that is a unanimous committee report it means we did our work. If you want to save lives in the state of Maine you'll spend the \$7.95 and by the plug in model or you spend \$70 and get the wired in model. If you are building a new motel, you can certainly afford to have it hardwired. If you are remodeling your home, and adding a wing, you can certainly afford to have it hardwired, and you should. I happen to have a boat that I can stay on and I put one on that too because you don't know where carbon monoxide is coming from. I would recommend that this Body not only support this, but support this bill overwhelmingly because it's a statement that we're going to make on public safety. Are we going to do something? We did smoke detectors years ago and we saved lives. We did carbon monoxide in residences a year ago, or two years ago, and we've saved lives. This bill is going to save lives. What is the price of a life? Thank you, Mr. President.

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

Senator **SCHNEIDER:** Thank you Mr. President. I know that my colleague is frustrated, probably, with me in raising these issues. I'd just like to remind everybody that I had a unanimous report on a bill of mine which ended up with constitutional issues. We ended up spending a great deal of time undoing that bill. There are reasons why our government is set up in the way it is, to vet things thoroughly. Sometimes things are better vetted before they go out to be implemented. I understand that this was heard in the committee. I think I know the answer to this. I'd like to pose a question through the Chair.

THE PRESIDENT: The Senator may pose her question.

Senator **SCHNEIDER:** Thank you Mr. President. Has there been one single death in the state of Maine in a dormitory from carbon monoxide poisoning? Even one?

THE PRESIDENT: The Senator from Penobscot, Senator Schneider poses a question through the Chair to anyone who may wish to answer. The pending question before the Senate is Passage to be Engrossed as Amended, in concurrence. 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 (#377)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFSKY, GOODALL, HILL, HOBBS, JACKSON, JOHNSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SULLIVAN, THIBODEAU, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: COLLINS, HASTINGS, SCHNEIDER, SHERMAN, SNOWE-MELLO, THOMAS

29 Senators having voted in the affirmative and 6 Senators having voted in the negative, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence, **PREVAILED**.

Senate As Amended

Bill "An Act To Clarify the Site Location of Development Laws Regarding Exemptions for Previously Developed Sites"
S.P. 547 L.D. 1648
(C "A" S-434)

Bill "An Act To Repeal the Automatic Suspension of Child Support Obligations" (EMERGENCY)
S.P. 549 L.D. 1650
(C "A" S-435)

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.

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Emergency Measure

An Act To Conform the Maine Tax Laws for 2011 to the United States Internal Revenue Code
H.P. 1289 L.D. 1748

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

The Secretary opened the vote.

ROLL CALL (#378)

Acts

An Act To Clarify the Requirements of Income Withholding Orders
H.P. 1199 L.D. 1594
(C "A" H-746)

An Act To Amend the Uniform Commercial Code Regarding
Motor Vehicle Warranties
H.P. 1236 L.D. 1684

An Act To Clarify the Status of Patients Held under Involuntary
Commitment Applications
H.P. 1240 L.D. 1688
(C "A" H-747)

An Act To Reduce High-technology Tax Evasion and Theft
H.P. 1297 L.D. 1764
(C "A" H-743)

An Act To Implement Recommendations of the Right To Know
Advisory Committee Concerning Public Records Exceptions
H.P. 1330 L.D. 1804

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

Ordered sent down forthwith.

Senate at Ease.

Senate called to order by the President.

Resolve

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

H.P. 1292 L.D. 1751
(C "A" H-748)

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

Senator **COURTNEY:** Thank you Mr. President. Men and
women of the Senate, it appears that this bill conveys property
and because of that it would require a two-thirds vote.

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

The Doorkeepers secured the Chamber.

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN,
COLLINS, COURTNEY, CRAVEN, DIAMOND,
DILL, FARNHAM, GERZOFKY, GOODALL,
HASTINGS, HILL, HOBBS, JACKSON,
JOHNSON, KATZ, LANGLEY, MARTIN, MASON,
MCCORMICK, PATRICK, PLOWMAN, RECTOR,
ROSEN, SAVIELLO, SCHNEIDER, SHERMAN,
SNOWE-MELLO, SULLIVAN, THIBODEAU,
THOMAS, WHITTEMORE, WOODBURY, THE
PRESIDENT - KEVIN L. RAYE

NAYS: Senators: None

35 Senators having voted in the affirmative and No Senator
having voted in the negative, was **FINALLY PASSED** and having
been signed by the President was presented by the Secretary to
the Governor for his approval.

Ordered sent down forthwith.

ORDERS OF THE DAY

Unfinished Business

The following matters 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
(3/12/12) Assigned matter:

SENATE REPORTS - from the Committee on **TAXATION** on Bill
"An Act To Provide Tax Relief for Maine's Citizens by Reducing
Income Taxes"

S.P. 252 L.D. 849

Majority - **Ought to Pass as Amended by Committee
Amendment "C" (S-427)** (8 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - March 12, 2012, by Senator **COURTNEY** of York

Pending - motion by same Senator to **ACCEPT** the Majority
OUGHT TO PASS AS AMENDED Report

(In Senate, March 12, 2012, Reports **READ.**)

On motion by Senator **WOODBURY** 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 Woodbury.

Senator **WOODBURY**: Thank you Mr. President. Senate colleagues, I doubt there is anybody in the Chamber who has worked harder on trying to move our tax system from its currently outdated version to one which has a much lower income tax. In particular, a 4% income tax as the committee report that we're looking at suggests. I don't believe anyone has worked harder on that core goal. I do believe that our high income tax rate is perhaps the single most important economic disincentive in our economy in Maine. I think our tax system is terribly outdated and needs to be fixed. That said, I am equally convinced that what we have in front of us is the wrong mechanism to get there. We've all spent a lot of time this session on the budget. One thing that I can say about the budget, having been here through the period of moving into a recession and so forth, is that the budget has been one of extreme strain on this Body. The size of our budget today is smaller than it was in 2008. Revenues are lower than they were in 2008. By the way, in the period since 2008, there has been about 12% inflation. The buying power of that lower budget is even that much smaller again. Even in that situation, with revenues being lower and our spending being lower, we are moving towards a smaller government and that is a positive direction. On top of the challenges of our budget that we faced because of these declines over the past four years, we've added to the future challenges through some of the tax changes that we've already made, and some that are still proposed going forward. The biennial budget we passed last year, once the tax changes are fully phased in, will have an annual reduction in revenues to the State of \$285 million annually, or roughly 10% of the amount that we receive right now. Again, sort of on top of this long term decline, we have put into law tax changes that are a substantial additional reduction in revenues. The newest budget released by the Administration this week has another phase-down in tax revenues that will amount to \$105 million per year once it is fully phased in. I truly fear for the deep structural deficits that we are imposing on future Legislatures by the actions that we are making, including those that this bill will contribute to. I just think that this approach to getting to that 4% income tax rate, without fixing the core problems with our tax system, is a mistake. Mr. President, I'm fully onboard with a process and a plan that fixes our desperately outdated tax system and, at the same time, I'm fully onboard with a plan that, with those fixes, creates a 4% income tax. In my 10 years of experience working on State tax issues, I am confident we can create a reweighted system that has a 4% income tax and has all of the economic benefits of a 4% income tax, but doesn't create this problematic and really severe, at this point, structural deficit into the future. That's the process that I think we should be working on. We would do that by letting this bill go and trying to put some serious kinds of reforms into the next budget. That's what I hope will happen, Mr. President, and I hope we will defeat the acceptance of this report. Thank you.

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

Senator **COURTNEY**: Thank you Mr. President. Men and women of the Senate, I encourage you to support the pending motion. I, too, came in here about 10 years ago with the good Senator. I've watched for years and years as people have put forward plans where they are going to reduce the income tax. Some have tried to raise 102 new taxes while others have tried to play with a way to increase how we align with the feds. There

have been numerous, numerous attempts to do this. This is similar to an attempt that was in place, it was in law in the late 1990's. Had we stayed with this we would be in a much different place with regards to our tax rates today. One thing that we can't do in this building, and I know that we are all very frustrated with it, is that we don't have the ability to do a dynamic fiscal note. I would suggest that eventually the economy is going to turn around. It may not be tomorrow. It might not be the day after. When it does, this bill will make sure that tax relief for the people of Maine is a top priority. The one thing that this bill has that wasn't in the bill back in the late 1990's is it has a target. It has a clear target of 4%. A target that we can send a message across the country that we are interested in having you move to Maine and we want you to invest in Maine as well. With that, Mr. President, I'd encourage you all to support the pending motion.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, L.D. 849, with Committee Amendment "C", creates an ongoing, unfunded income tax reduction. The problem with that is that it is unfunded. This will ratchet down, leaving only half of that paid for in the following year and none of it paid for in two years. What will the loss of revenue be, I think someone has spoken to some of that, and problems that that will create? This is, in essence, a mini Tabor, something which puts revenue generating capacity on auto-pilot. This auto-pilot has an attitudinal disability. You can only push forward on the stick, never pull back. Maine people have voted against similar proposals three times in the last decade. Maine people have voted, and rightfully so, because with the one-way auto-pilot like that it's not long before you crash and burn. We won't always have a strong economy. When we do get to the point where this kicks in and we have some economic recovery, economies are cyclical. In hard times, the fact that this will be forcing us to have low taxes and continuing to ratcheting them down, this means that we will not, as a Legislature or future Legislatures, have the means to correctly respond to the conditions. L.D. 849 is a zero sum game because it's trading off income taxes for property taxes. It will leave Maine unable to fund the services people expect except through local property taxes. In 2004, sick of education costs being pushed onto property taxes, Maine voters, through referendum, ordered the State to provide at least 55% of the State and local costs of kindergarten through grade 12 public education, including 100% State support for special education services mandated by State or federal law. The Legislature has yet to do so and the ratcheting down effect of this bill and this amendment will interfere with our ability to provide that funding and meet that expectation the people voted for. Under the Maine Constitution, we must repay the unfunded actuarial liability to the Maine Public Employees' Retirement System, yet the formula for doing so has looming balloon payments if we fail to pay it down faster than constitutionally required. The annual payment obligations will increase, not decrease. Under L.D. 849 revenues will ratchet down, not allowing funding to meet those obligations. Every Maine family knows you pay your bills, you make good on your promises before you give up income, and that includes constitutionally required payments to the retirement system. Furthermore, every banker knows that if you don't have a sufficient revenue stream to pay off your debts then you are a poor loan risk. L.D. 849 would place Maine's bond rating at risk,

which means the State's cost of borrowing for all bond funded projects is very much in jeopardy if we pass this motion. Thank you.

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

Senator **COURTNEY:** Thank you Mr. President. Just briefly. This proposal is funded because it only goes into effect after the budget increases the following year. It takes excess revenues, revenues above our cap. A future Legislature, if there was an emergency, could change it. One of the reasons we want that target is because we have that 4% target so something like that doesn't happen lightly. With that, Mr. President, I encourage you all to support the pending motion.

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

Senator **BARTLETT:** Thank you Mr. President. It seems to me the people of Maine have repeatedly had the opportunity to weigh in on whether to put our taxing and spending policies on auto-pilot. Every time they've been asked whether they want to do that they have said no. Yet here we are again with a proposal that would put out tax and spending policies on auto-pilot. I think this approach is reckless because you're looking at whether there is a surplus at the end of a fiscal year without fully considering the impacts on the next budget cycle. We've tried the approach of lowering taxes whether we have the money or not. We've seen this play out at the federal level and saw record surpluses disappear and become record deficits. Why would we want to bring that approach to Maine? If we believe that cutting taxes is important, as I think most of us do, we need to work that into the budget process. We need to understand our full policies and make decisions. The problem I have with this is that it is such a cynical approach. Rather than looking at the budget and saying that we're going to take things out that we don't think are important, we're just going to automatically lower taxes first and then leave it to some other Legislature to pick up the pieces. It's not responsible. It's not fiscally conservative. It's not fiscally responsible. It's simply saying we're going to put future tax cuts on a credit card and leave it to other people to figure out how to pay for them. If we want to lower taxes let's figure out how. Let's figure it out and take responsibility for the decisions that we're making. While we're at it, let's rebalance the tax code so that it's more fairly distributed. The people of Maine have repeatedly weighed in and they repeatedly say no. Let's leave it to the Legislature on an annual basis to make responsible decisions about whether they can afford it. We've just heard that the budget that we have passed in this Body is going to cost us nearly \$600 million in the next biennium. We haven't figured out how to pay for that yet. Let's pay for the tax cuts that we put on the books before going out and offering a new one. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you Mr. President. I'd just like to comment on whether this is fully funded tax cuts or not and note that, if you read the details of this bill, it only requires that you have sufficient balance in the fund for the tax cut being made in

the coming year and half of the funding for the change in the subsequent year and no funding for years beyond that in the next budget. I don't call that fully funded, not even in the current biennium, when that change goes into effect. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Courtney to Accept the Majority Ought to Pass as Amended 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 (#379)

YEAS: Senators: COLLINS, COURTNEY, DIAMOND, FARNHAM, HASTINGS, HILL, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DILL, GERZOFKY, GOODALL, HOBBS, JOHNSON, SCHNEIDER, SULLIVAN, WOODBURY

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **COURTNEY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "C" (S-427) **READ**.

On motion by Senator **JOHNSON** of Lincoln, Senate Amendment "A" (S-439) to Committee Amendment "C" (S-427) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, this is an amendment to maintain the benefits of the circuit breaker program under Title 36, Chapter 907 at the full amount calculated, without any reduction, and to maintain sufficient funding under the State municipal revenue sharing program to provide transfer to local government fund required for distribution to municipalities without any reductions and to ensure that the State's share of the percentage of the total cost of funding public education from kindergarten to grade 12, including the cost of the components of essential programs and services, are funded at 55%. This simply makes us live up to our promises to provide property tax relief before we consider reducing revenue streams that would preclude having the fiscal capacity necessary to honor those promises. This is all about tax relief, but tax relief keeping in mind that there are many people for whom property tax is the greatest burden. What we do in cutting income tax can shift the cost of education to that as well. It keeps in mind that the people of Maine voted in referendum for the State

to fund 55% of their cost of kindergarten through grade 12 education. We need to honor that promise. People have not voted at referendum for this ratcheting down of taxes. They have voted for us to fund their education and I think that it is our obligation to insure that we live up to that expectation of the people and if we're going to undertake this reduction in taxes we undertake it in a targeted way that makes sure that we take care of reducing property taxes in the course of doing so. Thank you.

Senator **COURTNEY** of York moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-439) to Committee Amendment "C" (S-427).

On motion by Senator **SCHNEIDER** of Penobscot, 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 Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I'll be very brief. I support this amendment in particular because of the component that requires us to meet the obligation of the 55% for K-12 education. We have not done that. It's our responsibility to do that first, to pay that before we reduce the income tax. The people, as my colleague said, voted for that and I think that we must live up to that expectation before we reduce the income tax. Thank you.

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

Senator **COURTNEY:** Thank you Mr. President. I encourage you to support the Indefinite Postponement motion. Obviously, the tax policy is very complicated and it's difficult to do up here. The one thing that I would just reiterate is that during the previous Governor's administration there was the original L.D. 1, there was a cap put in place. It wasn't a Tabor cap. It was a cap to growth of government, in all levels of government. It was put in. It was supported by the previous Majority and the previous Governor and many members of this side of the aisle as well. I think that if we can focus on taking money above that cap and return it to who it belongs to, the people of Maine, I think we would do well and serve the people of Maine well. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, if I understand correctly, please correct me if I'm wrong, that was a cap. It wasn't a ratcheting down of a cap, so that it would be continually lower and lower. May I ask a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **JOHNSON:** Thank you Mr. President. Is there is anyone who understand differently L.D. 1's provisions that were just spoken of?

THE PRESIDENT: The Senator from Lincoln, Senator Johnson poses a question through the Chair to anyone who may wish to

answer. The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY:** Thank you Mr. President. I do understand quite differently, as do most people who were involved in the creation of the original L.D. 1. There was a cap, but it increased every year. This provision only goes into effect after that happens, so there is, in statute, existing, a growth in government. This takes the revenues above that level.

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

Senator **WOODBURY:** Thank you Mr. President. Senate colleagues, I was involved in the development of the spending growth limits that were imposed in the old L.D. 1. The philosophy behind them was to gradually bring down the overall burden of government over time. We had government at a particular level. The economy grows at a particular level. The spending growth limits created a slower growth, imposed a slower growth, than the growth rate of the economy so that gradually, over time, the burden which had been recognized of government would come down in an orderly, careful fashion. What has happened since then has been the very serious economic challenges that we face nationwide, but particularly in Maine as well, so that the level of government right now is far below what these growth limits imposed. As I suggested in my original remarks, we are in a situation where the structural gap to what we have promised to provide as a government into the future and the amount of revenues coming into State government to support those things, going indefinitely into the future, the gap there is enormous. We've been making it bigger in this Legislature. I just don't think that imposing this additional thing at this time is the sensible way to proceed with our tax policy. I do believe that we can improve our tax system with a reweighting of where the revenues come from in a way that is substantially better for the future growth of this economy. I hugely support some of the goals of what we're trying to put in place here. I just don't think that enlarging this gap between the promises that are made by government and the funding that is available to government is something that we should be doing at this time. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Courtney to Indefinitely Postpone Senate Amendment "A" (S-439) to Committee Amendment "C" (S-427). 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 (#380)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFISKY, GOODALL, HILL, HOBBS, JACKSON, JOHNSON, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **COURTNEY** of York to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-439) to Committee Amendment "C" (S-427), **PREVAILED**.

On motion by Senator **JOHNSON** of Lincoln, Senate Amendment "B" (S-440) to Committee Amendment "C" (S-427) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, amendment S-440 asserts that Maine has its fiscal house in order and that we are flying straight before engaging the auto-pilot with its attitudinal disabilities. The act takes effect 30 days after the Secretary of State certifies the Office of Revisor of Statutes that the bond rating for State issued bonds is within the top two rating tiers of the major national bond rating agencies, the forecast of revenues for the following fiscal year equals or exceeds forecasted expenditures under the Maine Revised Statutes, Title 5, Section 1665, Subsection 7, and that the Legislature has appropriated or allocated to the retirement system for the fiscal year funds sufficient to meet the requirements of the 23 year amortization schedule for the unfunded liability of the retirement system established pursuant to Title 5, Section 17151, Subsection 2. This is a case of making sure that, at the very least, if we enact this that we are not going to do so while imperiling our ability to meet financial obligations that the State has and our ability to have reasonable cost bond issuance to finance capital works and other projects. Thank you.

Senator **COURTNEY** of York moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-440) to Committee Amendment "C" (S-427).

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#381)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFISKY, GOODALL, HILL, HOBBS, JACKSON, JOHNSON, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **COURTNEY** of York to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-440) to Committee Amendment "C" (S-427), **PREVAILED**.

On motion by Senator **COURTNEY** of York, Senate Amendment "C" (S-443) to Committee Amendment "C" (S-427) **READ**.

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

Senator **COURTNEY:** Thank you Mr. President. I appreciate the strong support, the bi-partisan support, in the first round of votes. Often we have an opportunity to make things better. Some of the discussions that have happened in the last few days have given us this opportunity to improve this bill. This amendment has the opportunity to do so. This actually makes the top priority, with the tax relief fund, to fully restore the funding for the circuit breaker. I would encourage all of you to support that.

On motion by Senator **COURTNEY** of York, 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 Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **CRAVEN:** Thank you Mr. President. On this Senate Amendment it just says that there is a fiscal note required and to see attached. I didn't get an attachment. I wonder if anybody could tell me what the fiscal note was. Thank you.

THE PRESIDENT: The Senator from Androscoggin, Senator Craven poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY:** Thank you Mr. President. I believe if you flip the sheet over the fiscal note is on the back.

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

Senator **SCHNEIDER:** Thank you Mr. President. I'm not standing to answer the previous question because I think it was on the back of the sheet. In any case, I'm not standing for that purpose. I just wanted to rise. I'm just perplexed as to why we would think that the circuit breaker is more important to the people of the state of Maine when they voted for 55% funding for K-12 education. It seems to have sort of fallen off of our radar as far as making sure do this. When I go out to my district and talk

to people in the district, they are pretty upset with us that we haven't met that obligation yet. Again, it just seems to me that this should be a priority under the Dome and we are not making it one. I think it's unfortunate that that wasn't put into this amendment. If it's good for the circuit breaker than it's good for K-12 education at 55% funded. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm pleased that, based on our discussion yesterday, this amendment has been offered to at least improve the bill before us. I, too, am not ready to give up on the concept of fulfilling the people's wish to support 55% of the cost of K-12 education. I will support this amendment because I believe it improves the bill. I was not prepared to offer this amendment myself because I feel that it is less than a half measure. In particular, it is leaving out the funding of K-12 education. Thank you.

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

Senator **BARTLETT:** Thank you Mr. President. I, too, support this amendment. I think the question of the fiscal note on both this and the original proposal are very interesting. I think it tells you all you need to know about the legislation. We are promising the people of Maine tax cuts, tax relief, and it's going to cost us nothing. I think that Maine people are smarter than that. They understand that this is illusory. They will understand that it is illusory. I think we should vote on doing something that's real. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Sherman.

Senator **SHERMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise with a point of information. I've heard about the 55% issue for years and years and years. As a teacher, it obviously impacts me. I've talked to some folks. If you took the true cost of education, and we do it every year and we pass that, there is the piece that is in the retirement system. That's \$200 million or \$300 million. If you factor that into the cost of education, it should be an honest accounting. I know I'm probably speaking against my own best interest. We're probably at 55% of the State's support of education. We always ignore the fact that check is written to cover the unfunded liability and it's a bigger one now.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just can't help myself. If we were to continue to cut the promise to State workers and teachers, maybe not in this case, and continue to their retirement, we could certainly get that 55% and quite a lot higher a lot quicker.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Courtney to Adopt Senate Amendment "C" (S-443) to Committee Amendment "C" (S-427). 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 (#382)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFISKY, GOODALL, HASTINGS, HILL, HOBBS, JACKSON, JOHNSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: None

35 Senators having voted in the affirmative and No Senator having voted in the negative, the motion by Senator **COURTNEY** of York to **ADOPT** Senate Amendment "C" (S-443) to Committee Amendment "C" (S-427), **PREVAILED**.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "C" (S-427) as Amended by Senate Amendment "C" (S-443) thereto.

The Chair laid before the Senate the following Tabled and Later (3/14/12) Assigned matter:

Emergency

Resolve, To Establish a Response Team To Facilitate the Redevelopment of Unoccupied Mills and Other Unoccupied Buildings

S.P. 574 L.D. 1675
(C "A" S-412)

Tabled - March 14, 2012, by Senator **RECTOR** of Knox

Pending - **FINAL PASSAGE**, in **NON-CONCURRENCE**

(In Senate, March 7, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-412).**)

(In House, March 13, 2012, **FAILED FINAL PASSAGE.**)

On motion by Senator **RECTOR** of Knox, 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-412).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-412).

On further motion by same Senator, Senate Amendment "A" (S-442) to Committee Amendment "A" (S-412) **READ.**

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Rector.

Senator **RECTOR:** Thank you Mr. President. This is a very simple amendment to a bill from the Senator from York, Senator Hobbins. It merely removes the Emergency Preamble from the bill. It was a unanimous committee report. Thank you, Mr. President.

On motion by Senator **RECTOR** of Knox, Senate Amendment "A" (S-442) to Committee Amendment "A" (S-412) **ADOPTED.**

Committee Amendment "A" (S-412) as Amended by Senate Amendment "A" (S-442) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-412) AS AMENDED BY SENATE AMENDMENT "A" (S-442) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/14/12) Assigned matter:

An Act Regarding Subrogation of Medical Payments Coverage
H.P. 1303 L.D. 1769

Tabled - March 14, 2012, by Senator **KATZ** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, March 12, 2012, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, March 13, 2012, **PASSED TO BE ENACTED.**)

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

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

Senate at Ease.

Senate called to order by the President.

Senator **DIAMOND** of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator **RECTOR** of Knox was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

On motion by Senator **COURTNEY** of York, **ADJOURNED**, pursuant to the Joint Order, to Monday, March 19, 2012, at 10:00 in the morning.