

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Fifth Legislature

State of Maine

Daily Edition

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

In Senate Chamber  
Wednesday  
May 18, 2011

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

Prayer by Senator Rodney L. Whittemore of Somerset County.

**SENATOR WHITTEMORE:** Good morning. Let us pray. Father in heaven, in You is found no shadow of change but only the fullness of life and limitless truth. Open our hearts to Your voice and free us from the original darkness that shadows our vision. Restore our sight that we may look upon You who calls us to repentance and a change of heart. While the work of this Chamber must proceed the renewal of each of us, individually, and our society in general must never leave our minds. Lord, we ask that You continue to guide us through Your spirit. Amen.

Pledge of Allegiance led by Senator Nancy B. Sullivan of York County.

Reading of the Journal of Tuesday, May 17, 2011.

Doctor of the day, Thomas Page, DO of Leeds.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act To Refund the Sales Tax Paid on Fuel Used in Commercial Fishing Vessels" (EMERGENCY)  
H.P. 162 L.D. 185  
(C "A" H-53)

In Senate, April 7, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-53)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-53) AS AMENDED BY HOUSE AMENDMENT "A" (H-87)** thereto, in **NON-CONCURRENCE**.

Senator **TRAHAN** of Lincoln moved the Senate **RECEDE** and **CONCUR**.

On further motion by same Senator, 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 (#80)**

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

**NAYS:** Senators: None

**ABSENT:** Senator: BRANNIGAN

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being absent, the motion by Senator **TRAHAN** of Lincoln to **RECEDE** and **CONCUR**, **PREVAILED**.

**Non-Concurrent Matter**

Resolve, To Streamline the Laws Governing Small Slaughterhouses

H.P. 682 L.D. 922  
(C "A" H-114)

In Senate, May 10, 2011, **FINALLY PASSED**, in concurrence.

In House, May 17, 2011, **RECALLED** from the Governor's Desk, pursuant to Joint Order H.P. 1158.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-114) AS AMENDED BY HOUSE AMENDMENT "A" (H-270)** thereto, in **NON-CONCURRENCE**.

Senator **SHERMAN** of Aroostook moved the Senate **RECEDE** and **CONCUR**.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I know we retrieved this. It went through on a supplement and it went through very quickly. Nobody spoke

with me as being a committee member. I'm just curious. May I pose a question through the Chair?

**THE PRESIDENT:** The Senator may pose her question.

Senator **SCHNEIDER:** Thank you Mr. President. I know that there is some issue that the second floor has with this amended bill but I'm not sure what that would be and if that could just be clarified it would be tremendously helpful.

**THE PRESIDENT:** The Senator from Penobscot, Senator Schneider poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Sherman.

Senator **SHERMAN:** Thank you Mr. President. If we are still talking on 1-2, this is, as we said in caucus, where people are making inquiries to the Ag Department around the rules of slaughterhouses and they wanted those conversations sent back to the slaughterhouse people in writing of some sort so there wasn't any misunderstanding when you talk to the Agriculture Department about what the rules were. All this piece does is say that they have to have in writing, have to send it in writing, if I understand this is the slaughterhouse one.

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

Senator **SCHNEIDER:** Thank you Mr. President. They way I understand it is we're actually removing the requirement for the Department to have to respond to queries in writing? We're just allowing it to occur verbally?

**THE PRESIDENT:** The Senator from Penobscot, Senator Schneider poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Sherman.

Senator **SHERMAN:** Thank you Mr. President. My understanding, by looking at the amendment, is that we want the response in writing. If we have that disagreement maybe we should table this until we take a look at it.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **SHERMAN** of Aroostook to **RECEDE** and **CONCUR**.

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Senate at Ease.

Senate called to order by the President.

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**SENATE PAPERS**

Bill "An Act To Conform the Authority of the Department of Environmental Protection to Federal Law" (EMERGENCY)  
S.P. 507 L.D. 1575

Presented by President RAYE of Washington. (GOVERNOR'S BILL)  
Cosponsored by Speaker NUTTING of Oakland and Senator: HOBBS of York, Representative: CAIN of Orono.

On motion by Senator **SAVIELLO** of Franklin, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

Sent down for concurrence.

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

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Off Record Remarks

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

The President took a seat on the floor.

The Senate called to order by President Pro Tem **JONATHAN T.E. COURTNEY** of York County.

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Off Record Remarks

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**ORDERS**

**Joint Resolution**

On motion by Senator **BARTLETT** of Cumberland, the following Joint Resolution:

S.P. 506

**JOINT RESOLUTION  
RECOGNIZING OPERATION TRIBUTE**

WHEREAS, Operation Tribute is a nonprofit organization founded and operated by Marc Badeau in Gorham, Maine that in 2010 provided over 32,000 gifts to the children of military families living throughout New England, New Jersey, New York and Ohio, including over 7,200 children living in the State of Maine; and

WHEREAS, Operation Tribute acknowledges the sacrifices, courage and bravery of the children of members of all branches of the military, including the United States Army, Navy, Marine Corps, Air Force, Coast Guard, Reserves and National Guard; and

WHEREAS, Operation Tribute considers the children of military families to be unsung heroes who silently shoulder a heavy burden during these difficult times; and

WHEREAS, Operation Tribute acquired, gift-wrapped and individually distributed a holiday gift to each participating child of a military family in over 1,100 cities and towns throughout New England, New Jersey, New York and Ohio; and

WHEREAS, each package sent to a child in Maine contained a letter that read: "On behalf of Operation Tribute and the people of the State of Maine, we would like to offer you this token of our appreciation for your sacrifice. You are the child of a Maine military family and the bravery that you show every day by sharing your parent to help protect our country is being recognized and honored. You should be extremely proud of your service to our country and should know that we, and the people of Maine, stand proudly beside you. We wish you and your family a Happy Holiday Season!!" and

WHEREAS, Operation Tribute seeks further expansion of its program to eventually encompass the entire country; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to send our appreciation to the hard-working and dedicated members of Operation Tribute for their strong commitment and accomplished success in recognizing these children and to thank the members of Operation Tribute for their acknowledgment of the sacrifices, courage and bravery of the children of these military families and we encourage the citizens of the great State of Maine to support and recognize the efforts of Operation Tribute; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Operation Tribute.

READ.

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

Senator **BARTLETT:** Thank you Mr. President. It's really a pleasure to be here and have an opportunity to once again recognize Operation Tribute, which is a non-profit started by Marc Badeau of Gorham, Maine. It has really grown. I remember when he first approached me about this several years ago, talking about facilitating some communications with General Libby and others. He started with a small project in the state of Maine and it has grown substantially. Today Operation Tribute has acquired, gift wrapped, and individually distributed a holiday gift to each participating child of a military family in over 1,100 cities and town throughout New England, New Jersey, New York, and Ohio. This thing is taking off. There are a lot of sponsors who have gotten involved to make sure that children of military families are not forgotten during the holiday season. We all know how difficult it is to be separated from family during that period. This has really made a huge impact. They have been recognized locally,

regionally, and nationally. It is truly an honor to have them here today and I'm so proud to represent them as my constituents.

On motion by Senator **BARTLETT** of Cumberland, **ADOPTED.**

Sent down for concurrence.

**THE PRESIDENT PRO TEM:** The Chair is pleased to recognize the members of Operation Tribute. Would the members please rise and be greeted by the Maine Senate.

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## REPORTS OF COMMITTEES

### House

#### Pursuant to Joint Rule 309

From the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Require Oral Disclosure of the Cost of Certain Public Telephone Calls"

H.P. 41 L.D. 48

Received by the Clerk of the House on May 16, 2011, pursuant to Joint Rule 309.

Comes from the House with the Bill and accompanying papers **INDEFINITELY POSTPONED.**

On motion by Senator **THIBODEAU** of Waldo, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

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### Ought to Pass

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Ensure Emergency Communications for Persons with Disabilities"

H.P. 196 L.D. 243

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

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

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

**READ ONCE.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow a Person To Designate Information Submitted for a Hunting or Fishing License as Confidential"

H.P. 464 L.D. 634

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

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

Report **READ**.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, the reason I rise on this particular piece of legislation is that we are making e-mails confidential. It's not that I'm objecting to that. In fact, I favor that but to pick out one group of people who are e-mailing, I think, is unfair because there are lots of communications that we deal with as far as electronic communications now with licensing. I think it's important to state for the record that I think we're selecting a very small group of people and saying their e-mails don't have to be let out or are confidential, however we're going to divulge all these other groups of people whose e-mails are going to be out there for anybody to use in any way that they want. I don't think that's right. I'm going to support the bill. I just wanted to put on the record that I think we should look at this in a more global way. When people communicate with the State I'm not convinced that those e-mails should be let out for the general public. Those should be confidential. I've had a lot of people complain about this issue to me. I notice that later on there is another issue about addresses being confidential with the Secretary of State. I think it's something that we need to address further and hope that we do look at this in a more sort of broad way. Thank you very much.

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

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The Committee on **JUDICIARY** on Bill "An Act To Amend the Laws Governing the Handling of Medical Examiner Cases"  
H.P. 990 L.D. 1349

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

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

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

**READ ONCE**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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The Committee on **TRANSPORTATION** on Bill "An Act To Ensure That the State Is in Compliance with Certain Federal Motor Carrier Safety Regulations"

H.P. 1115 L.D. 1512

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

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

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

**READ ONCE**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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The Committee on **TRANSPORTATION** on Resolve, To Name the Main Street Bridge in Newport after Sergeant Donald Sidney Skidgel

H.P. 1136 L.D. 1549

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

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

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

**READ ONCE**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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**Ought to Pass As Amended**

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Eliminate Certain Restrictions on the Installation of Chimneys and Equipment"

H.P. 106 L.D. 124

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-253)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-253)**.

Report **READ**.

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

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The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Further Restrict the Availability of Methamphetamine and Amphetamine Pills"

H.P. 580 L.D. 773

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-252)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-252)**.

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

**READ ONCE.**

Committee Amendment "A" (H-252) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require 3 Years of Experience in a School Administrative Unit before a Teacher May Receive a Continuing Contract Offer"

H.P. 720 L.D. 976

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-243)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-243)**.

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

**READ ONCE.**

Committee Amendment "A" (H-243) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **JUDICIARY** on Bill "An Act To Enhance Enforcement of Civil Orders of Arrest"

H.P. 306 L.D. 380

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-241)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-241)**.

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

**READ ONCE.**

Committee Amendment "A" (H-241) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Provide Administrative Support to the Citizen Trade Policy Commission"  
H.P. 716 L.D. 972

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-249)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-249)**.

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

**READ ONCE.**

Committee Amendment "A" (H-249) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **TAXATION** on Bill "An Act To Exempt Orthotics from Sales Tax"

H.P. 631 L.D. 834

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-242)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-242)**.

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

**READ ONCE.**

Committee Amendment "A" (H-242) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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#### Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Protect Children's Health and Promote Safe Schools and Child Care Centers by Limiting the Use of Pesticides"

H.P. 634 L.D. 837

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-213)**.

Signed:

Senators:

SHERMAN of Aroostook  
SCHNEIDER of Penobscot  
THIBODEAU of Waldo

Representatives:

EDGECOMB of Caribou  
BLACK of Wilton  
CRAY of Palmyra  
DILL of Old Town  
FOSTER of Augusta  
GIFFORD of Lincoln  
McCABE of Skowhegan  
TIMBERLAKE of Turner

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-214)**.

Signed:

Representatives:

KENT of Woolwich  
O'BRIEN of Lincolnville

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-213)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-213)**.

Reports **READ**.

On motion by Senator **PLOWMAN** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-213)** Report **ACCEPTED**, in concurrence.

**READ ONCE**.

Committee Amendment "A" (H-213) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Prohibit Organized Retail Theft"

H.P. 478 L.D. 648

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

Signed:

Senators:

MASON of Androscoggin  
WHITTEMORE of Somerset

Representatives:

PLUMMER of Windham  
BURNS of Whiting  
LONG of Sherman  
MORISSETTE of Winslow  
SANDERSON of Chelsea

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

Signed:

Senator:

GERZOFISKY of Cumberland

Representatives:

BLODGETT of Augusta  
CLARKE of Bath  
HANLEY of Gardiner  
HASKELL of Portland  
LAJOIE of Lewiston

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

Reports **READ**.

Senator **MASON** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Facilitate Participation in Individualized Education Program Team Meetings and Special Education Dispute Resolution Procedures

H.P. 517 L.D. 688

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

Signed:

Senators:

LANGLEY of Hancock  
MASON of Androscoggin



Representatives:

RICHARDSON of Carmel  
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 "A" (H-189)**.

Signed:

Senator:

ALFOND of Cumberland

Representatives:

LOVEJOY of Portland  
NELSON of Falmouth  
RANKIN of Hiram  
WAGNER of Lewiston

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-189)**.

Reports **READ**.

On motion by Senator **LANGLEY** of Hancock, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

**READ ONCE**.

Committee Amendment "A" (H-189) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding School Board Members and Their Spouses"

H.P. 749 L.D. 1013

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

Signed:

Senators:

LANGLEY of Hancock  
ALFOND of Cumberland  
MASON of Androscoggin

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-250)**.

Signed:

Representative:

RICHARDSON of Carmel

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Enhance Hunting for Maine Residents over 70 Years of Age"

H.P. 138 L.D. 161

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

Signed:

Senators:

MARTIN of Kennebec  
PATRICK of Oxford  
TRAHAN of Lincoln

Representatives:

DAVIS of Sangerville  
BRIGGS of Mexico  
CLARK of Millinocket  
EBERLE of South Portland  
ESPLING of New Gloucester  
GUERIN of Glenburn  
SARTY of Denmark  
SHAW of Standish

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

Signed:

Representatives:

CRAFTS of Lisbon  
WOOD of Sabattus

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND  
WILDLIFE** on Bill "An Act To Establish a Coyote Bounty Permit"  
H.P. 807 L.D. 1072

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

Signed:

Senators:

MARTIN of Kennebec  
TRAHAN of Lincoln

Representatives:

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

The Minority of the same Committee on the same subject  
reported that the same **Ought To Pass as Amended by  
Committee Amendment "A" (H-248)**.

Signed:

Senator:

PATRICK of Oxford

Representatives:

DAVIS of Sangerville  
CRAFTS of Lisbon

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

Reports **READ**.

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

On motion by Senator **PLOWMAN** 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 (#81)**

YEAS: Senators: ALFOND, BARTLETT, CRAVEN,  
DIAMOND, DILL, FARNHAM, GERZOFKY,  
GOODALL, HILL, KATZ, LANGLEY, MARTIN,  
RECTOR, SULLIVAN, TRAHAN, WOODBURY,  
THE PRESIDENT PRO TEM - JONATHAN T.E.  
COURTNEY

NAYS: Senators: BRANNIGAN, COLLINS, HASTINGS,  
HOBBINS, JACKSON, MASON, MCCORMICK,  
PATRICK, PLOWMAN, RAYE, ROSEN, SAVIELLO,  
SCHNEIDER, SHERMAN, SNOWE-MELLO,  
THIBODEAU, THOMAS, WHITTEMORE

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

The Minority **OUGHT TO PASS AS AMENDED** Report  
**ACCEPTED**, in **NON-CONCURRENCE**.

**READ ONCE**.

Committee Amendment "A" (H-248) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE  
DAY**.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL  
GOVERNMENT** on Bill "An Act Regarding the Hiring of  
Immediate Family Members in State Government"  
H.P. 637 L.D. 840

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

Signed:

Senators:

THOMAS of Somerset  
COLLINS of York

Representatives:

COTTA of China  
CELLI of Brewer  
HARVELL of Farmington  
KAENRATH of South Portland  
MOULTON of York  
TURNER of Burlington

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

Signed:

Senator:  
SULLIVAN of York

Representatives:  
BOLAND of Sanford  
BOLDUC of Auburn  
CASAVANT of Biddeford  
GRAHAM of North Yarmouth

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

Reports **READ**.

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Strengthen Maine's Economy through Improvements to the Educational Opportunity Tax Credit"  
H.P. 632 L.D. 835

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-216).

Signed:

Senators:  
TRAHAN of Lincoln  
HASTINGS of Oxford

Representatives:  
KNIGHT of Livermore Falls  
BENNETT of Kennebunk  
BERRY of Bowdoinham  
BICKFORD of Auburn  
BRYANT of Windham  
BURNS of Alfred  
FLEMINGS of Bar Harbor  
HARMON of Palermo  
PILON of Saco  
WATERHOUSE of Bridgton

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

Signed:

Senator:  
WOODBURY of Cumberland

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-216).

Reports **READ**.

Senator **TRAHAN** of Lincoln moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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**Senate**

**Ought to Pass**

Senator **HASTINGS** for the Committee on **JUDICIARY** on Bill "An Act To Speed Recovery of Amounts Due the State"  
S.P. 336 L.D. 1103

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

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

**READ ONCE**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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Senator **HASTINGS** for the Committee on **JUDICIARY** on Bill "An Act To Amend the Laws Governing the Address Confidentiality Program"

S.P. 407 L.D. 1310

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

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

**READ ONCE**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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**Ought to Pass As Amended**

Senator THOMAS for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require That Notaries Public Keep Records of Notarial Acts"

S.P. 409 L.D. 1312

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-117)**.

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

**READ ONCE**.

Committee Amendment "A" (S-117) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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Senator COLLINS for the Committee on **TRANSPORTATION** on Bill "An Act To Reduce Fines for Certain Trucking Violations" (EMERGENCY)

S.P. 211 L.D. 722

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-114)**.

Report **READ**.

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

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**Divided Report**

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Clarify the Natural Resources Protection Act" (EMERGENCY)

S.P. 276 L.D. 872

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

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 To Pass as Amended by Committee Amendment "A" (S-115)**.

Signed:

Representative:

LONG of Sherman

Reports **READ**.

On motion by Senator **SAVIELLO** of Franklin, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

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

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**SECOND READERS**

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

**House**

Bill "An Act To Require the Opportunity To Recite the Pledge of Allegiance in Schools"

H.P. 842 L.D. 1136

Bill "An Act To Amend and Clarify Certain Education Statutes"

H.P. 959 L.D. 1307

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

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**House As Amended**

Bill "An Act To Require Insurance Companies To Reissue Qualifying Long-term Care Partnership Policies"

H.P. 472 L.D. 642

(C "A" H-209)

Bill "An Act Concerning Arrests for Violating Protection from Abuse Orders"

H.P. 539 L.D. 708

(C "A" H-228)

Bill "An Act To Improve Driver Education Licensing"

H.P. 555 L.D. 748

(C "A" H-227)

Bill "An Act To Protect Minors from Questioning by Private Investigators"

H.P. 647 L.D. 880  
(C "A" H-222)

Bill "An Act To Modify the Standard of Proof for Traffic Infractions"

H.P. 741 L.D. 1005  
(C "A" H-220)

Bill "An Act To Support Resource Sharing among Maine Libraries"

H.P. 767 L.D. 1033  
(C "A" H-225)

Bill "An Act To Make Minor Changes to Municipal Health Inspection Activities"

H.P. 875 L.D. 1177  
(C "A" H-238)

Bill "An Act To Increase the Fee Paid to a Funeral Home To Transport a Body at the Request of the State Medical Examiner"

H.P. 955 L.D. 1303  
(C "A" H-239)

Bill "An Act To Allow Police Officers To Operate Mobile Command Units without a Special License"

H.P. 1068 L.D. 1454  
(C "A" H-226)

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

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**Senate**

Bill "An Act To Repeal the Laws Governing the Capital Investment Fund"

S.P. 173 L.D. 581

Bill "An Act To Allow the Town of Surry To Join School Union No. 93" (EMERGENCY)

S.P. 244 L.D. 800

Resolve, To Convene a Task Force To Study Cost-effective Ways of Dealing with an Increased Population of Those Affected by Alzheimer's Disease

S.P. 263 L.D. 859

Bill "An Act Regarding Reporting Procedures of Lobbyists"

S.P. 351 L.D. 1151

**READ A SECOND TIME and PASSED TO BE ENGROSSED.**

Sent down for concurrence.

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**Senate As Amended**

Bill "An Act To Provide Funding for the Fish Stocking Program"

S.P. 64 L.D. 213  
(C "A" S-110)

Resolve, Concerning Access to the Eastern Road in Scarborough

S.P. 367 L.D. 1246  
(C "A" S-111)

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

Sent down for concurrence.

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

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**ENACTORS**

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

**Act**

An Act To Provide Sales Tax Exemption or Refund on Parts and Supplies Purchased To Operate Windjammers

H.P. 52 L.D. 59  
(C "A" H-72)

On motion by Senator **ROSEN** of Hancock, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

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Senate at Ease.

Senate called to order by President Pro Tem **JONATHAN T.E. COURTNEY** of York County.

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Off Record Remarks

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**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 (4/27/11) Assigned matter:

HOUSE REPORT - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Discourage Illegal Dumping in the State"

H.P. 94 L.D. 112

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-97)**

Tabled - April 27, 2011, by Senator **COURTNEY** of York

Pending - **ACCEPTANCE OF REPORT**

(In House, April 26, 2011, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-97).**)

(In Senate, April 27, 2011, Report **READ.**)

Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-97) **READ.**

On motion by Senator **MARTIN** of Kennebec, Senate Amendment "B" (S-113) to Committee Amendment "A" (H-97) **READ.**

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

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I don't seem to have that amendment. I'm sure it's someplace in the book. Would someone be willing to just give us a brief explanation of the amendment?

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Kennebec, Senator Martin.

Senator **MARTIN:** Thank you Mr. President. The amendment basically aligns the penalties from the Amendment "A" and put a different alignment of the penalties and took out words out of two of the stiffer penalties, the initial words were "shall suspend someone's drivers license" and we changed that to "may suspend someone's drivers license" to give some latitude for sentencing.

On motion by Senator **MARTIN** of Kennebec, Senate Amendment "B" (S-113) to Committee Amendment "A" (H-97) **ADOPTED.**

Committee Amendment "A" (H-97) as Amended by Senate Amendment "B" (S-113) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Chair laid before the Senate the following Tabled and Later (4/28/11) Assigned matter:

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding Timber Harvesting on State Land"  
S.P. 102 L.D. 340

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass** (6 members)

Tabled - April 28, 2011, by Senator **RECTOR** of Knox

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 28, 2011, Reports **READ.**)

Senator **RECTOR** of Knox moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **RECTOR:** Thank you Mr. President. Men and women of the Senate, this bill would require and set in statute that any timber harvesting done on State land be done by firms that do not hire bonded labor, that is Canadian employees, to do their work. It is the rule and regulation of the Department of Conservation currently that they not use bonded labor on State owned lands and the Department came to us and said to please not set this in statute and put them in violation of their own rules if some error should occur and allow them to operate as they have where they have used U.S. labor on Maine lands. Occasionally there have been times when someone ends up doing some harvesting in error and whenever that error is identified they have immediately suspended that operation and corrected the error. I think it's a reasonable position and with that I will ask that you pass the Majority Ought Not to Pass Report.

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

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise to ask you to vote against the pending motion and support the Majority Report. As the good Senator, the Chair of the committee, has said, the Department did come before us and said that they already had it in rule. I think that basically outlines that the State should be doing everything they can to have Maine people working on these lands. It's a tremendous frustration for people that are Maine residents to go by lands that their tax dollars have purchases, currently I believe we own almost 700,000 acres of land in the state, and to see that foreign workers are working on those lands that, in reality, they own, that Maine residents own. I put this bill in early this session because I felt very comfortable in the fact that the rule was not being followed consistently. After we got into session I was notified by some people that on mile 40 of the Rocky Brook Road in Portage that there was a State lot that was being harvested, all by foreign labor. I don't how familiar most of you are, you are probably not, but mile 40 on the Rocky Brook Road is not very far.

Actually Irving owns a camp right across from the road where the State has the lands. Over the last couple of years I've traveled by that lot on my way to harvest on O'Ryan timberland. The land is not far outside the town of Allagash, where I live. Because I was notified of that, I actually had conservation, the fire wardens, go up and do an inspection, which they are allowed to do now but would be changed in another bill that is coming up. The fire wardens went onto the lot and found that it was all foreign workers there. One of them was a bonded worker. That's when the Department made the determination that this person shouldn't be allowed to work on there. If it hadn't have been for me being notified and asking the fire wardens to go up and do the inspection that person would have continued to work on that land. That just, in my mind, raises the point that it is a rule, it is being violated, maybe not every day but I would say somewhat consistently. The trouble is that there is no penalty for violating it. It's just that they're going to tell that person they can't work there until the next time it happens. We had this debate a couple of times now in this Body but I tell you this is a lot higher standard here, in my mind, that this is State land that's owned by State tax payers and a lot of those people are actually loggers. When you drive by one of these lots and it's all foreign labor working on it that is a hard pill to swallow. That's a hard thing to explain to someone, why that's okay. I think if the Department has the rule already that they are not going to use bonded workers then they might as well go ahead and put it in statute and make it iron clad that it is just not something that we're going to accept. I would ask you to vote against the Majority Report and move onto the Minority.

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

Senator **SHERMAN:** Thank you Mr. President. A point of inquiry, if I may.

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

Senator **SHERMAN:** Thank you Mr. President. I have in my hand L.D. 284 that we voted on in 2003 in the House. I believe I understood correctly, from the good Senator from Aroostook, that this was in rule at the time and still in rules. That would be inquiry one. Inquiry two, if they have been in violation of rules, and don't intend to follow that, would it be fair to us to put another piece of legislation on, more specifically directed to the Department?

**THE PRESIDENT PRO TEM:** The Senator from Aroostook, Senator Sherman poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I would say that the roll call that I passed around from the House was something that I just wanted people to see. We've had this issue before and it seemed like it was a good idea for many of us that are now in this Body, 16 of us actually, that actually supported this back in the 121<sup>st</sup>. Actually the House vote was 110-27 in support and the Senate vote was 24-11 in support. It was overwhelmingly supported back in the 121<sup>st</sup>.

**THE PRESIDENT PRO TEM:** Would the Senator defer. I believe it's against the Senate Rules to refer to the actions of the other Body.

Senator **JACKSON:** Thank you Mr. President. Very sorry, sir. The idea is that, in the past at least in this Body, it was overwhelmingly supported. The thing is that it only went into rule and didn't actually go into statute. This law, now eight years later, would put it into statute if it's already a rule. I think that this piece of legislation, to answer the question, certainly would do that if that is what this Body wants to do, make it a law so it's iron clad what we're doing on State lands. This piece of legislation, the Minority Report, would do that.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#82)**

**YEAS:** Senators: FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY

**NAYS:** Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, CRAVEN, DIAMOND, DILL, GERZOFSKY, GOODALL, HILL, HOBBS, JACKSON, PATRICK, SCHNEIDER, SHERMAN, SULLIVAN, TRAHAN

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

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Reduce Taxes and Promote Employment"  
H.P. 524 L.D. 695

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-164)** (5 members)

Tabled - May 11, 2011, by Senator **PLOWMAN** of Penobscot

Pending - motion by Senator **TRAHAN** of Lincoln to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, May 10, 2011, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

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

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I stand here in support of the Minority Report, so I will be asking you to vote against the pending motion. I guess one thing that we're heard over and over during the session is that the whole Body supports working families. I don't think anyone would disagree with that. With that statement I guess I'm a little bit confused on why this program, the Earned Income Tax Credit, which is probably one of the most successful federal and state programs that we have here to help working families, would not be passed or even a priority of this legislature. This credit is entirely based on the income you earn. As you earn more income that credit becomes smaller and smaller. It incentivizes work. It incentivizes people to keep pulling up the opportunities that they might have in their lives and to try to better themselves and their families. Right now, here in the state of Maine, the Earned Income Tax Credit is one of the lowest in the country. It's only 5% of the federal and it's not refundable. Part of this bill, the Minority Report, would change that. People in this state, and out of this state, have been very, very complimentary of this program. It was the former President, President Regan, who called the Earned Income Tax Credit the best anti-poverty, the best pro-family, and the best job creation measure that has come out of Congress when he was President. In addition, the Roman Catholic Diocese here today, Mark Mutty, said in his testimony in front of the Taxation Committee, "I can think of no other singular measure that you could adopt that would have greater positive impact on the low income families of this state." Survey after survey, both nationally and at the state level, consistently indicate that the modest amount of money in the pocket that the EITC provides can and does change lives. I'm really hoping that this Body can truly elevate this as a priority. At this point in time I know there is a fiscal note on it, but I also know that we have sent \$20 million already down to the Appropriations Table. That is a number, it's a rolling number, and we all know how that process works once it gets down there. If this program, the Earned Income Tax Credit, is not a priority of this Body for working families then I'm confused because it is a successful program and one that I fully support. I hope you will follow my light when the vote is cast. Thank you.

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

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I very much appreciate the previous speaker's comments because I think they will reinforce some action we might take later in this session, this very issue around

the Earned Income Tax Credit. I believe there is a better way to do exactly what the previous speaker spoke of. That is in the Majority budget in Taxation now. We have significant changes to the tax code that I think benefit the very group the previous speaker wanted to address. I'll just give you briefly a description of the way that will work. Instead of creating a program by which people would have to apply to get a credit back from their taxes, the Majority Report in Taxation changes the tax code to eliminate 70,000 filers, or the poorest of the State's citizens, from taxation at all. The reason we felt that was a better policy was, first of all, that folks would not have to apply for it. Secondly, we wanted to remove what some of us felt was a glass ceiling, which was for those at the bottom of the tax structure if you're getting a check from both the federal government and the state government for taxes that were not paid or a credit above what you paid in taxes it would create a disincentive to want to go further down the road for your family and work harder and have more income. We felt the better structure would be to eliminate the impediments to these very people you are trying to address. The way that we've done that is we've created a zero percent tax bracket between \$10,000 and \$11,000 of income. They won't be taxed at all. For families of four, earning up to as far as \$35,000, they will pay no income tax at all. We felt that was a better way to do it. We have eliminated the 2%, 4.5%, and 7% brackets to achieve that goal. We believe that it was bad policy to expand the Earned Income Tax Credit because a portion of that goes to non-residents. A very large portion. We felt we'd try to keep more of that money in the state. I think we've achieved that goal. When the Majority budget is discussed in Appropriations I would love to work with both parties to lay out for you how we've done exactly what you've wanted but in a much more simplified manner. With that, Mr. President, I will sit down. Thank you.

On motion by Senator **PLOWMAN** of Penobscot, **TABLED** until Later in Today's Session, pending the motion by Senator **TRAHAN** of Lincoln to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence. (Roll Call Ordered)

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The Chair laid before the Senate the following Tabled and Later (5/16/11) Assigned matter:

**SENATE REPORTS** - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Waive Penalties on School Administrative District No. 32 and School Administrative District No. 33 under the School Administrative Unit Consolidation Laws"

S.P. 399 L.D. 1289

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A"** (S-107) (2 members)

Tabled - May 16, 2011, by Senator **LANGLEY** of Hancock

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, May 16, 2011, Reports **READ**.)



On motion by Senator **JACKSON** of Aroostook, 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 (#83)**

**YEAS:** Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, CRAVEN, FARNHAM, GOODALL, HASTINGS, HILL, HOBBS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RAYE, RECTOR, ROSEN, SNOWE-MELLO, SULLIVAN, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY

**NAYS:** Senators: DIAMOND, DILL, GERZOFSKY, JACKSON, PATRICK, SAVIELLO, SCHNEIDER, SHERMAN, THIBODEAU, THOMAS

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (5/16/11) Assigned matter:

SENATE REPORTS - from the Committee on **TRANSPORTATION** on Resolve, Directing the Department of Transportation To Reopen the Pittsfield Rest Areas and To Plow a Scenic Overlook

S.P. 20 L.D. 5

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-103)** (3 members)

Tabled - May 16, 2011, by Senator **COLLINS** of York

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, May 16, 2011, Reports **READ**.)

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

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Somerset, Senator Thomas.

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I won't be long. This bill has been

amended so it's just the rest areas in Pittsfield that would be reopened and the public that has contacted me, and believe it or not there have been more people contacting me about this than the there were about the billboards, want this opened. The only reason that it's not opened is we can't seem to afford the money that it costs. After we spent millions of dollars to build these places we can't afford to plow the snow and sweep them out and hang some toilet paper? The same public that sees that we can't afford to keep these rest areas open drive by these work crews and they see four or five guys standing around watching one guy work. What do you suppose goes through their minds? We can afford to send too many people out to replace a culvert and we can take four hours to replace a stop sign, but we can't afford to keep a rest area open that people want. The argument we get is that people can go just up the road to Newport. I was in Newport three times this week and you can hardly get through there on a weekend day. Isn't this really another form of tax when we're asking private businesses to provide bathrooms for the public? I think it is, Mr. President, and I think that these areas should be open. One more point I'd like to make, what kind of a message do we send to the people who visit Maine. They come and they see rest areas closed. The last time we debated this I drew this comparison and I think it is still valid today. I believe this is like inviting guests into your home and then locking the bathroom door. Thank you.

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

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm not sure if I can really follow the previous speaker. He did such a great job explaining the open sign and all that goes with that. I would point out to the Senate that this has a fiscal note of \$168,000 the first year and \$225,000 the second year. The reason for that is this Pittsfield site has had all the wiring stripped out of it. It's not a matter of just unlocking the door and bringing it back. It needs a total renovation and the majority of the committee felt that we really just can't afford that kind of cost even to renovate it. Once it's open it has to be maintained. You have to have somebody there. There has to be somebody who cleans it. These rest areas are very helpful, of course, once they are open and run accordingly, but they do take a lot of work and it takes a lot of money. I understand the good Senator trying to get this back open but the Department testified against this for the very reasons that I've just stated. We can move forward, of course, with this bill but we should know that it is going to be expensive. We really can't afford it. We're really well over our highway budget at the moment. I would ask you to follow the Chair of this committee and my light regarding voting Ought Not to Pass. Thank you.

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

Senator **DILL:** Thank you Mr. President. If I may ask a question through the Chair?

**THE PRESIDENT PRO TEM:** The Senator may pose her question.

Senator **DILL:** Thank you Mr. President. I'm curious how close the nearest rest area is to the one in question on the interstate?

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

Senator **THOMAS:** Thank you Mr. President. I don't know the exact distance but I believe the distance going south is more than 50 miles and it's more than 50 miles going north. Suffice it to say, it's longer than you want to wait if you need to use a rest room.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, having driven that segment of highway frequently, one of the things that I really wanted to speak to is how disturbing it is to see brand new facilities being built for whatever it is along the highway. For example, a brand new facility was put in, I think towards the end the last session, that was a truck stop. Very nice, brand new, spanking new. Yet we have our rest areas closed. Our biggest industry, tourism. It sends a really bad signal. I have to say I really agree with the Senator from Somerset, Senator Thomas, on this issue. It certainly doesn't say we're open for business and I think that is something that is important. I have never liked those rest areas being closed because they are there and they should be functional. Even if we open them during the tourist season, at the bare minimum, they should be open at that time. I'm going to be following the Senator from Somerset, Senator Thomas' light on this one. Thank you very much.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise to object to the previous speaker's use of the word "truck stop." That does not make me think of a truck stop when it's a weigh station.

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

Senator **PLOWMAN:** Thank you Mr. President. Sometimes you are an expert on things. I am one today. Gardiner has a rest stop and Hampden, at mile marker 174 approximately, has another. In between Gardiner and Hampden is a awful lot of mileage. Approximately 65 miles which, by the way, only gets you people from Southern Maine to Central Maine. Once you leave Central Maine it's a very long way to Northern Maine and Eastern Maine. You took care of that on Route 9, Senator. When you are looking at this, it is a long way. For the person who asked the question, mile marker 174.

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Off Record Remarks

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**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from York, Senator Collins.

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, a number of people use the Newport exit, which is about 10 miles away from the Pittsfield rest areas. There are facilities relatively close, depending on your miles per hour in that area, which may be increased later on but that's another story for another day. In any event, in an effort to try to put more funding towards capital projects, this is one of the areas where we are trying to save some money and apply it to capital projects within the Highway Fund. It comes down to a simple situation of priorities and what do you do. Realizing that Newport is approximately 10 miles away from the Pittsfield rest areas, certainly emergencies could be remedied there. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, I'm having as much trouble deciding how I'm going to vote on this as perhaps I did on L.D. 1333 and I never expected that. I need to tell you, when I travel late at night and I'm by myself, and being a woman, and being over 50, rest stops are very important to me. However, I need to tell you I will not stop at an unattended rest area at night as a woman by myself. If we open this I believe you really need to have somebody there constantly watching this. Rest rooms, late at night, become a problem. I don't know if we want to be open for business or closed for business for the number one and number two business. It is a problem. Thank you for laughing, I love it when people laugh at my jokes. The other thing, I'm wondering if it's possible to rent these out and to have somebody keep even port-a-potties there and some coin operated vending machines? Coffee and things like that. Maybe rent and get some money from the land we own. I'm just wondering if that is a possibility. That way we seem to sort of hit everything all at once here. If somebody could answer that question that would be great. I still don't know how I'm going to vote. Thank you.

**THE PRESIDENT PRO TEM:** The Senator from York, Senator Sullivan poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Somerset, Senator Thomas.

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I was going to say something cute about 1 ½ but I guess I won't. Those are federal highways. I-95 is a federal road. Those are federal rest areas. Federal law doesn't allow yet for there to be a private leasing of those right-aways. There are people who are working on it. That may come about at some point in time. As far as vending machines go, my understanding is that those areas, as well as all State opportunities for vending machines, are contracted to one non-profit by law. If the Department were to ever take over the turnpike there is a problem with the service plazas there that we're going to have to deal with as well. That's going to have to be worked out with federal law. I think it's a good idea, Senator.

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

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

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

Senator **MASON:** Thank you Mr. President. I believe the Senator from Cumberland, Senator Diamond, mentioned that the wiring was stripped in these rest areas. Are these usable?

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

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I would be glad to answer that question. They would be in need of renovation, including reinstalling all the wiring and repairing other vandalism that has taken place at these sites. It's considerable. According to the Department of Transportation, there has been a considerable amount of vandalism to the buildings and to the area.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from York, Senator Hill.

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

**THE PRESIDENT PRO TEM:** The Senator may pose her question.

Senator **HILL:** Thank you Mr. President. By virtue of the committee I sit on I realize we are extremely tight for money, so I totally appreciate the situation that the Chair of Transportation is looking at. I wonder, since this is such a wonderful feeder road into the turnpike, if there have been any discussions with them if they could possibly help out in this area, especially since there are some questions about funds owed over the last 10 years and hopefully the funds that will now coming into the Department of Transportation?

**THE PRESIDENT PRO TEM:** The Senator from York, Senator Hill poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Collins.

Senator **COLLINS:** Thank you Mr. President. To address the question of the good Senator from York, Senator Hill, are you referring to the Turnpike Authority maintaining the rest areas on Interstate 95?

**THE PRESIDENT PRO TEM:** The Senator from York, Senator Collins poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Hill.

Senator **HILL:** Thank you Mr. President. I wasn't suggesting they maintain it but I thought perhaps the money for renovations that would be needed in this biennium could be forthcoming from that institution. Thank you.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, some of what I'm hearing about this bill I like and I do like what the Senator from Somerset had to say, but what I'm actually hearing here is that this is another problem that we have here in the state of Maine and it's based on revenue. We don't have enough money to do the things we have to. I would ask all of us here that when another tax exemptions comes up, which I think is revenue in the state of Maine, that if we want to be able to do things like this, which I think is a great thing that we need, especially from the business stand point of our visitors, we should be very careful because I do know one thing about revenue. When the mill cut my wages and hours down from 40 to 32 for a short period of time, my wife, being the financial advisor of my family, told me that I was going to have to cut back or have to find another job to bring in the revenue for the family. What I see in this bill is an important issue and I do support the issue. We also can't keep giving our revenue away. I would ask everyone to be very conscience of that when the next tax exemption bill comes up. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#84)**

**YEAS:** Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, CRAVEN, DIAMOND, FARNHAM, GERZOFSKY, GOODALL, HASTINGS, HOBBS, KATZ, LANGLEY, MASON, RECTOR, ROSEN, SHERMAN, SNOWE-MELLO, SULLIVAN, TRAHAN, WOODBURY, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY

**NAYS:** Senators: DILL, HILL, JACKSON, MARTIN, MCCORMICK, PATRICK, PLOWMAN, RAYE, SAVIELLO, SCHNEIDER, THIBODEAU, THOMAS, WHITTEMORE

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **COLLINS** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (5/16/11) Assigned matter:

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Eliminate the Sunset Date of the Maine Historic Preservation Tax Credit"

S.P. 235 L.D. 742

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-89)** (9 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - May 16, 2011, by Senator **COURTNEY** of York

Pending - motion by Senator **TRAHAN** of Lincoln to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report (Roll Call Ordered)

(In Senate, May 12, 2011, Reports **READ**.)

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Senate at Ease.

Senate called to order by President Pro Tem **JONATHAN T.E. COURTNEY** of York County.

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On motion by Senator **RAYE** of Washington, **TABLED** until Later in Today's Session, pending the motion by Senator **TRAHAN** of Lincoln to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report. (Roll Call Ordered)

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Amend the Winthrop Utilities District Charter" (EMERGENCY)

H.P. 1160 L.D. 1577

Presented by Representative **FLOOD** of Winthrop. Cosponsored by Senator **ROSEN** of Hancock and Representative: **FITTS** of Pittsfield. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Comes from the House, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

**REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed, in concurrence.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Clarify the Award of Fees in Domestic Violence Cases" (EMERGENCY)

H.P. 1159 L.D. 1576

Presented by Representative **CAIN** of Orono. Cosponsored by Senator **GERZOFISKY** of Cumberland and Senators: **MASON** of Androscoggin, **WHITTEMORE** of Somerset, Representatives: **BLODGETT** of Augusta, **BURNS** of Whiting, **CLARKE** of Bath, **HASKELL** of Portland, **PLUMMER** of Windham. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Comes from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

**REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Resolve, Relating to the State Valuation of the Town of East Millinocket (EMERGENCY)

H.P. 1161 L.D. 1578

Presented by Representative **CLARK** of Millinocket. Cosponsored by Senator **THOMAS** of Somerset. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Comes from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

**REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

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

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

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Off Record Remarks

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**RECESSED** until 2:00 in the afternoon.

After Recess

Senate called to order by President Pro Tem  
**JONATHAN T.E. COURTNEY** of York County.

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Off Record Remarks

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORT - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow a Person To Designate Information Submitted for a Hunting or Fishing License as Confidential"

H.P. 464 L.D. 634

Report - **Ought to Pass**

Tabled - May 18, 2011, by Senator **BARTLETT** of Cumberland

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, May 17, 2011, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, May 18, 2011, Report **READ**.)

Report **ACCEPTED**, in concurrence.

**READ ONCE.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding the Hiring of Immediate Family Members in State Government"

H.P. 637 L.D. 840

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought To Pass** (5 members)

Tabled - May 18, 2011, by Senator **THOMAS** of Somerset

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, May 17, 2011, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 18, 2011, Reports **READ**.)

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, I thought I should just explain why I'm on the side I'm on. It became, by and large, a partisan bill. I wanted to say the largest thing about this bill is that it does not include anybody that has been hired before October 1<sup>st</sup> of this year. For people who have said that this is for the Chief Executive, it is not for this. All we're looking at is the possibility that if you are hired and your direct boss is someone that you are related to it makes it difficult. It doesn't mean they can't be hired for State work in State government, it just says your direct supervisor cannot be a family member. Again, it's not a hill I want to die on but I wanted to explain my vote. It is not in retribution for anything that has happened here prior to this. It is clearly going forward. To me, it sort of makes good sense. Sometimes there are good reasons why. I know everybody points to President Kennedy and his brother, the Attorney General, Robert Kennedy. I know that and obviously, as my mother used to say, even a broken clock tells time twice a day. She didn't live long enough to see, I guess, digitals and all of that. It made sense to her at the time she would say it. This is not in retribution. I am not putting it in and I did not vote for it for that reason. Having said that, obviously the majority of the committee felt differently and I will not honor them by voting for it but I certainly honor their right to have that decision. I wanted to make sure that people clearly understood my vote was not because of anything that had happened downstairs at the beginning of this and that this would not take place for that. Thank you.

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

Senator **DILL:** Thank you Mr. President. Men and women of the Senate, first I would just like to point out that normally I don't trust anything that comes from the House member who sponsored this particular piece of legislation. However, in this instance I think it is worthy of debate and consideration for the following reasons. First, currently in Maine law we have inconsistent policies that apply to the legislature, the Chief Executive, and state agencies. The legislature is governed by a policy that's contained in the Legislative Council Employee Handbook that prohibits nepotism and discourages, because of the appearance of a conflict, the hiring of relatives. I think everybody generally understands that nepotism is favoritism granted to relatives not based on merit. We do have a policy in the legislature. We have a statute that applies to state agencies and civil servants and that statute is 5 MRSA section 7051. What we don't have is any policy or law that applies to Constitutional Officers or the Chief Executive. In researching this concept, NCSL has a memo that may become available to you. You certainly could access it yourself. All 50 states touch on this issue to some extent. Maine is one of the very few states that doesn't have a specific law. If you flip through, Maine actually is the least consistent with a majority of states that make it a stated public policy that the hiring of relatives is not allowed. That status now is that we have inconsistent policy and what I hope to do is make it consistent. What the bill says is it requires the Governor, the Legislature, and the Constitutional Officers hire or promote staff within those offices based on qualifications and prohibits the hiring of family or household members. The bill also prohibits an employee from

supervising a family or household members of the employee, which includes a spouse, domestic partner, parent, natural or legally adopted child, step-child, siblings, father-in-law, mother-in-law, brother-in-law, or sister-in-law. It does not apply to anyone hired or promoted in those offices prior to October 1, 2011. This is strictly prospective. It makes our laws consistent with the policies that we, in the legislature, have and makes them apply to the Constitutional Officers and the Chief Executive. I think the law is a good policy. It instills trust in the public that we're going to use their tax payer money to hire people based on merit. It's a responsible use of money and it's a good government bill. I urge you to join with me in voting red on the current motion and thank you for your time.

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

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I hope that this is not about political moves or anything of that kind. This, to me, is about good government. If you look there has just been a sheet passed out that came from NCSL on your desks. I hope you will take just a moment to look through the various policies. It's highly unusual that we do not have a policy on this issue. I think the people of the state of Maine are looking for us for transparency and so that nepotism does not occur in our state. To me this is not about the current situation. This is about, in general, good public policy. Right now we are deficient in that area. I think we, as a Body, should adjust that and make it right. We're far behind. We're supposed to be leaders. Our insignia is *Dirigo* and I don't think we've done a very efficient job, an adequate job, in dealing with this particular issue. I hope you will take a moment to look through this information because it really speaks very loudly to our failure to deal with this issue. I really do hope that this motion is defeated. This is a good piece of legislation. It's good for any political party. It doesn't matter the side. It's good for all of us. I hope that you will see that it has merit and that we should address this very deficient area in our policies.

I want to say just one other thing about a situation that happened when I was sitting on the Education and Cultural Affairs Committee with regard to the outrage the Executive Department had when a school board hired, I believe, a local contractor who also happened to sit on the local school board in my district. It was a huge firestorm in my area. If we're going to say that it's bad for local governments to do hiring of relatives or from school boards or whatever the case may be I think that we should also take the lead and make right this policy which we are lacking at this time. I hope you will also vote red on the pending motion. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS:** Thank you Mr. President. Ladies and gentlemen of the Senate, just a couple of comments. Number one, this NCSL report we have deals with the legislature and its hiring of its own employees, not of the Executive. Remember, we have a division of power in this country and in our state. We have

an Executive, we have a Legislature, and we have a Judiciary. Quite honestly, I would be quite alarmed if I thought that the Chief Executive could tell the Legislature who the Legislature could hire or if the Chief Justice could tell the Legislature who they could hire and I'm sure the Chief Justice would be somewhat alarmed to think that we could tell the Chief Justice, the Judicial Branch, who it will hire. We have a separation of power, ladies and gentlemen, for a reason. It is not the job of the legislature to tell the Executive who to hire. Taken with the same reasoning, we could extend this to the Judicial Branch as well. I just think we're overstepping our bounds. We should take care of our own business. We have a political process called reelection, which tends to take care of abuses of power that might be perceived. Thank you, Mr. President.

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

Senator **BARTLETT:** Thank you Mr. President. We often hear on the campaign trail candidates arguing that government ought to be run more like a business. As we are part of the public trust, we ought to look at what public companies do in this regard. The reality is that most publicly traded companies who are accountable to their shareholders have policies on nepotism to make sure that the folks that are being hired to manage the business on their behalf are being hired based on their merits and not based on who their parents are. If it's good enough for public companies why is it not good enough for the public sector? The reason that nepotism is an issue, and has become an issue over the years, is because people are concerned about cronyism and about people being hired without merit to carry out the public trust. We're talking about running a government. We are talking about carrying out the public trust ever single day. That means making sure that the people we are putting in place at all branches of government are the very best. We are the Legislative Branch and we have the responsibility for establishing the laws and hiring practices for the government. The Executive Branch carries out those laws. This is our opportunity to say the law of the land is that everybody in the state will have the same opportunities to be hired for public service as anyone else. It goes to the very heart of the American dream where everyone has a chance to get ahead and it's not simply about what your parents achieved or your grandparents achieved. That's what this bill is about. Let's recognize what public companies have already recognized. As part of the Sarbanes-Oxley Act the United State's Congress required that relationships be disclosed in public companies because of the grave concern that nepotism can undermine the very fabric and confidence in public companies. This is a simple chance, looking forward. I think if you look backwards in history you will find folks of all political persuasions who hired close relatives to work for them. Because a Democrat may have done it in the past doesn't mean I should be supporting it today. Because a Republican may have done it in the past doesn't mean we ought to be supporting it for the future. This simply says let's set a higher standard going forward and that as we are hiring new people let's make sure that they are hired for their merit and not based on who they know. It's simple. It goes to basic ethics and implements the American dream here in Maine. Let's make sure that everyone has the same opportunity to succeed. Thank you, Mr. President.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Somerset, Senator Thomas.

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, for 18 years my son has worked for me. He's the best employee I could find. You will find private business after private business that employs family members, not because they are family members but because they are the best person for the job. If we're going to hire on merit sometimes the best person for the job is a family member. If this bill had included a prohibition of cronyism I'd have been on board because I've seen these halls filled with political allies. I think that's wrong. If we're only going to address this one part of the problem then I think it is better put off. Let's address the whole problem and then I'll be with you.

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

Senator **DILL:** Thank you Mr. President. Men and women of the Senate, I would simply say briefly that the Chief Executive has obviously the option to weigh in and has weighed in on a number of bills. In this particular case he did not. He did not oppose the bill. He didn't support it either, but he didn't oppose it. It's not necessarily that there is no place for qualified relatives within state government.

**THE PRESIDENT PRO TEM:** Would the Senator defer. The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you Mr. President. I believe the Joint Rules direct us to not bring the Chief Executive in to whether he approved or did not approve of the bill. It's inappropriate for that to be brought forward. Thank you.

**THE PRESIDENT PRO TEM:** Thank you. The Senator's objection is noted. If the Senator could proceed cautiously.

Senator **DILL:** Thank you Mr. President. I'll strike that from the record. I just note that what's really at stake here is the relationships that the State employees have with other State employees. If I, as a Constitutional Officer, hypothetically, and I hope this is consistent with the Joint Rules that I can use hypothetical, if hypothetically I was a Constitutional Officer and hired my exceptional son to work for me, it's not a question of whether or not he's competent to do the job, it's whether or not he, in relationship to other State employees, is operating on a level playing field and whether he will be held to the same standards by other State employees because of his relationship to me. I would simply note in response to my good Senate Chair, the Senator from Oxford, Senator Hastings, that this isn't a question of telling the Chief Executive necessarily who he can or can't hire but how we use public money. In my view, it's certainly within the legislature's proper role to create public policies that spend public money in a fair and very transparent way. Thank you.

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

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm looking at the bill and I would like to pose a question.

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

Senator **DIAMOND:** Thank you Mr. President. The bill, on page 1, and I think it's still intact, says after October 1, 2011 the Secretary of State shall appoint Deputy Secretary of State based on qualifications for the position but may not appoint a family member or household member. The Secretary of State, or an employee of the office of the Secretary of State, may not directly supervise a family or household member. The question is, would that mean that the Deputy Secretary of State of Motor Vehicles would not be able to have anyone that comes under this definition, which includes brother-in-laws, sister-in-laws, step-children, etcetera, would they then not be allowed to be hired in that bureau? Thank you, Mr. President.

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

Senator **DILL:** Thank you Mr. President. Thank you for the question. I believe, in reading the bill, that the Deputy Secretary, should the bill pass, would be prohibited from hiring his or her relatives as they are defined in the bill and supervising those relatives. It seems to me that if there is a position within the Secretary of State's Office that didn't call for the supervision by this particular Deputy Secretary that this position could, in fact, be filled by a relative. I'm sure there are organizational charts that could very easily answer that question in any given particular case.

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, just one quick little fact that I think would be worth saying. I don't think it is a surprise to anyone that our profession, politicians, isn't necessarily well regarded out in the public. I don't think that we necessarily gain the utmost confidence of the public at this period of time and maybe never in our nation's history. Why wouldn't we put something like this on the books? Why would we not think about good government and not put us out there, no matter whose administration it is going forward? I just think that we have the opportunity here to do something correct, something right. Look forward and not go backwards and make the public feel like they can trust us for doing some commonsense legislation. Thank you, Mr. President.

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

Senator **ROSEN:** Thank you Mr. President. I actually wish to pose a question to the membership or anyone that wishes to answer in regards to the question that is before us regarding the employment of family members. That is, should the voters of the state of Maine be prohibited from electing members of the same family to the same city legislature?

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

Senator **DILL:** Thank you Mr. President. Absolutely not.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#85)**

**YEAS:** Senators: COLLINS, DIAMOND, FARNHAM, GERZOFSKY, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY

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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **THOMAS** of Somerset to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Eliminate the Sunset Date of the Maine Historic Preservation Tax Credit"

S.P. 235 L.D. 742

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-89)** (9 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - May 18, 2011, by Senator **RAYE** of Washington

Pending - motion by Senator **TRAHAN** of Lincoln to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report (Roll Call Ordered)

(In Senate, May 12, 2011, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#86)**

**YEAS:** Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFSKY, GOODALL, HASTINGS, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY

**NAYS:** Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, the motion by Senator **TRAHAN** of Lincoln to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (S-89) **READ**.

On motion by Senator **RECTOR** of Knox, Senate Amendment "A" (S-116) to Committee Amendment "A" (S-89) **READ**.

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

Senator **RECTOR:** Thank you Mr. President. Men and women of the Senate, the Historic Preservation Tax Credit has been an enormously successful program implemented not long ago within the legislature. At the time that it was implemented it was funded with a designation of a portion of the Home Fund, the Home Fund being a piece the transfer tax for real estate transfers. That money was recognized to be a ready funding source but not necessarily a permanent funding source for the tax credit. Recognizing that we were taking money from affordable housing in implementing that action, we provided a bonus credit for those who were doing affordable housing in their historic preservation where they were applying for their tax credit. It has led to substantial development around the state. About \$130 million since this took place has been invested in construction at a time, frankly, when the construction industry and redevelopment is really at an all time low. You can only imagine the benefits that this might provide in a more robust economy. It's been extraordinarily important to the construction industry and it's been extraordinarily important to the downtowns of many of our communities. The current bill continues with that funding using the Home Fund. There have been some concerns with respect to that funding source expressed by some members of this Body and the other Body. In order to address that concern my amendment moves up the date for an examination of funding sources and a description of potential alternative funding sources by the Maine Historic Preservation Commission so that they can report back to the Committee on Taxation and possibly identify other places to find the funding for this important tax credit. I would urge support of this amendment and I would urge support



of the overall bill. It's extraordinarily important to the state of Maine. Thank you, Mr. President.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I speak very briefly on this. This was a compromise. I had remembered in the past, having been the Chair of the Business, Research and Economic Development Committee, giving a very firm commitment that we would not designate a particular funding source for the Historic Preservation Tax Credit, though I'm very much in favor of this program. As the Senator from Knox, Senator Rector, has communicated, it is a very successful program. That said, I'm good to my word. When I heard that we were going to be specifically naming a funding source, one in which I had made a commitment that at least I would not support in the future, I was extraordinarily concerned about this. I've spoken with various entities about this issue and my concerns. This was a reasonable compromise. I'm fully supportive of it. I really want to say I appreciate the work of the Senator from Lincoln, Senator Trahan, and the Senator from Knox, Senator Rector, and their willingness to hear me out and address this concern in a reasonable and effective manner. Thank you very much.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today as well in support of this bill and just want to speak to make sure that the business community as well as both Bodies and the record show that this bill is extremely important for continuity purposes as well in regards to long term investments. We want to make sure we send the right signals with our actions here. This bill will give greater confidence to investors who put forth a lot of risk in very complicated financial schemes to make sure that these projects are successful in our downtowns that also bring affordable housing to our downtowns quite frequently. I appreciate the compromise that was worked out here today. I think it's also important for everyone to know, and the record to show, that these buildings do bring affordable housing, this bill does bring greater continuity to the investment market in affordable housing as well as, most importantly, the intent of this bill of revitalizing historic structures. I just wanted to add that. Thank you very much, Mr. President.

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

Senator **BARTLETT:** Thank you Mr. President. I also rise in support of this but I just wanted to make a couple of points about the bill and about the debate I've heard, one being the importance of regulatory consistency. We have a policy in place that is supporting a particular type of industry in this state and we ought to have some consistency in supporting it over the long term. Secondly, it's important to recognize that, like all other tax cuts or other investments we're making in our businesses, this is a form of a subsidy that is going out to the industry affected. I think it's a good thing. I think it is something we can support because it's fostering the kind of development we want to see in the state. I also think it's important to recognize those two key features; the

importance of maintaining a long standing practice to let a policy work and to make sure that we understand that this is designed to help promote a particular industry. Thank you.

On motion by Senator **RECTOR** of Knox, Senate Amendment "A" (S-116) to Committee Amendment "A" (S-89) **ADOPTED.**

Committee Amendment "A" (S-89) as Amended by Senate Amendment "A" (S-116) thereto, **ADOPTED.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

The Chair laid before the Senate the following Tabled and Later (5/16/11) Assigned matter:

**Emergency**

An Act To Clarify Maine's Phaseout of the 'Deca' Mixture of Polybrominated Diphenyl Ethers

H.P. 690 L.D. 930  
(C "A" H-152)

Tabled - May 16, 2011, by Senator **SAVIELLO** of Franklin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 11, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-152)**, in concurrence.)

(In House, May 16, 2011, **PASSED TO BE ENACTED.**)

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you Mr. President. I'd just like to read something into the record to clarify what we've accomplished. On April 5, 2011 the Environmental and Natural Resources Committee voted to amend L.D. 930, "An Act To Clarify Maine's Phaseout of the 'Deca' Mixture of Polybrominated Diphenyl Ethers." The committee amendment which was proposed by the Department of Environmental Protection allows the use of brominated and chlorinated flame retardants as a replacement of Deca upon a demonstration of satisfaction to the Commissioner that the flame retardant replacing Deca is a safer alternative as defined by 38 MRSA, subsection 1609 14A. The committee expects this determination to be made by the department and to be done in a timely manner. In terms of what will replace the current flame retardant, Deca, with and how to evaluate these alternatives, the DEP should look at the chemicals using sound science. They can and should use existing data in making this evaluation. The DEP should use flexibility and discretion in carrying out this task. They need to complete this effort minimizing department and applicant costs and time. Thank you, Mr. President.

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 Pro Tem, was presented by the Secretary to the Governor for his approval.

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

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The Chair laid before the Senate the following Tabled and Later (5/17/11) Assigned matter:

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

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

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

Tabled - May 17, 2011, by Senator **COURTNEY** of York

Pending - motion by Senator **TRAHAN** of Lincoln to **ADHERE** (Roll Call Ordered)

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

(In Senate, May 12, 2011, on motion by Senator **TRAHAN** of Lincoln, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

(In House, May 16, 2011, that Body **ADHERED**.)

Senator **TRAHAN** of Lincoln requested and received leave of the Senate to withdraw his motion to **ADHERE**.

On motion by same Senator, the Senate **RECEDED** and **CONCURRED**.

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The Chair laid before the Senate the following Tabled and Later (5/17/11) Assigned matter:

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

H.P. 819 L.D. 1107

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-223)** (2 members)

Tabled - May 17, 2011, by Senator **ALFOND** of Cumberland

Pending - motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, May 16, 2011, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 17, 2011, Reports **READ**.)

On motion by Senator **JACKSON** of Aroostook, 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 (#87)

YEAS: Senators: **ALFOND, BARTLETT, BRANNIGAN, COLLINS, CRAVEN, FARNHAM, GOODALL, HASTINGS, HILL, HOBBS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RAYE, RECTOR, ROSEN, SNOWE-MELLO, SULLIVAN, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY**

NAYS: Senators: **DIAMOND, DILL, GERZOFISKY, JACKSON, PATRICK, SAVIELLO, SCHNEIDER, SHERMAN, THIBODEAU, THOMAS**

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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Senate at Ease.

Senate called to order by President Pro Tem **JONATHAN T.E. COURTNEY** of York County.

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

#### ENACTORS

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

**Emergency Measure**

An Act To Ensure Regulatory Fairness and Reform  
S.P. 10 L.D. 1  
(C "A" S-87)

On motion by Senator **ROSEN** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

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**Emergency Measure**

An Act To Provide Members of the Penobscot Nation with Marine Resources Licenses

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

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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**Emergency Measure**

An Act To Clarify Certain Provisions in the Harness Racing Laws

S.P. 153 L.D. 561  
(C "A" S-73)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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 Pro Tem, was presented by the Secretary to the Governor for his approval.

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**Emergency Measure**

An Act To Authorize the Public Utilities Commission To Exercise Jurisdiction over Private Natural Gas Pipelines To Ensure Safe Operation

S.P. 492 L.D. 1545

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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 Pro Tem, was presented by the Secretary to the Governor for his approval.

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

**ENACTORS**

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

**Acts**

An Act To Provide the Opportunity To Register with the Selective Service System When Obtaining a Driver's License or Nondriver Identification Card

H.P. 394 L.D. 501  
(H "A" H-229 to C "A" H-157)

An Act To Clarify the Method of Appealing Decisions of the Executive Director of the Maine Commission on Indigent Legal Services

S.P. 182 L.D. 602  
(C "A" S-93)

An Act To Amend Certain Insurance Provisions Relating to Variable Annuity Death Benefits and Multiple Employer Trusts

H.P. 648 L.D. 881  
(S "A" S-101 to C "A" H-158)

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

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

An Act To Increase Accountability for the Most Serious Offenders of Laws Prohibiting Operating under the Influence of Drugs and Alcohol

S.P. 331 L.D. 1098  
(C "A" S-72)

An Act To Amend the Probate Code Relating to the Authority of the Probate Court To Approve Transfers from a Protected Person's Estate

S.P. 361 L.D. 1186  
(C "A" S-75)

An Act To Rename the Maine Fire Training and Education Program at Southern Maine Community College the Maine Fire Service Institute

S.P. 400 L.D. 1286

An Act To Amend the Laws Concerning the School Revolving Renovation Fund

S.P. 419 L.D. 1356

An Act Regarding the Powers of the Director of the Maine State Museum Commission

S.P. 469 L.D. 1493

An Act To Support Maine State Museum Accreditation

S.P. 470 L.D. 1494

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

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An Act To Amend the Law Governing Sales Tax Exemptions for Certain Nonprofit Youth Organizations

S.P. 109 L.D. 396  
(C "A" S-88)

On motion by Senator **ROSEN** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

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An Act To Conform Business Expense Deductions to Federal Law

H.P. 843 L.D. 1137  
(C "A" H-155)

On motion by Senator **ROSEN** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

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An Act Regarding Retention and Graduation Rates for Maine's Colleges and Universities

S.P. 156 L.D. 564  
(C "A" S-74)

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations

S.P. 55 L.D. 205  
(C "A" S-90)

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, all I want to do is briefly talk just a little bit on 7-1 and I would then defer to the good Senator to do whatever he wants to do after that. As I stood before in the past I can probably say I'm the only moderately conservative liberal in the whole place. This is another bill which I can't say I disagree with but we, as leaders in the Senate, have got to, at some time, take a look at revenue for the State. I believe this is a sales tax exemption which will actually take away revenue from the State. I know my constituents have told me they expect me to come down here and make good decisions. I actually explained one of them and got slammed the other day, so I'll try to be careful. The revenue for the State is an issue that is extremely important to us as this tax break is as important of an issue that it is looking to help. I'm not saying I'm against the exemption for performing arts organizations because I support them 100%. What I'm here to stand up and say is we are dealing with a budget that needs revenue, or needs an awful lot of cuts. I have to make an awful lot of tough decisions in the future based

on the revenue that we have or the lack of revenue that we have. To me, it seems to be getting tougher and tougher because it seems like we're using the expedited procedure of giving tax exemptions. What this is going to do is actually starve the State of revenue. I don't know what we're going to do because I think we're going to be able to squeeze by the budget doing some nasty things to an awful lot of groups of needy people in the state of Maine and that revenue is going to be diminished proportionately the next biennium because everything we do here is going to effect what we do in the future. Somewhere down along the line we're going to have to come to grips. Do we want to just shut down the State and just allow business stuff or do we want to actually support some of the things that are near and dear to all our hearts? With that, Mr. President, I would just ask that we carefully take a look at how many things we're going to exempt. This is a small thing of \$50,000 or \$70,000. I'm not against that. We've got to take a look at the long term ramifications of doing away with our revenue because we're going to have to have revenue to run the State and pay our bills. Thank you, Mr. President.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I could not agree more with my good friend from Oxford, the good Senator from Oxford. One of the beneficiaries of this the Maine State Music Theatre. I think the forth show they are doing this summer is "The Wiz". I'm very familiar with the show because I saw it on my honeymoon many years ago. The lesson of "The Wiz" is that there are good witches and there are bad witches. There are good tax credits, I would suggest, and bad tax credits. The one we just dealt with earlier about historic tax credits, I think, is a good witch because without it the downtowns of this state, including my hometown of Augusta, would be far poorer. This is also a good witch which contributes to the quality of life in our communities. I agree with my good friend, the Senator from Oxford, Senator Patrick, that we need to look at these carefully but this is the good witch of the North, not the wicked witch of the West. Thank you.

On motion by Senator **ROSEN** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

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

#### **ENACTORS**

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

#### **Resolves**

Resolve, To Create an Evidence-based Study and Comprehensive Plan for HIV and AIDS Services in Maine  
S.P. 213 L.D. 724  
(C "A" S-98)

Resolve, Establishing a Task Force To Examine the Decline in  
the Number of Nonresident Hunters

S.P. 226 L.D. 792  
(C "A" S-76)

**FINALLY PASSED** and having been signed by the President Pro  
Tem were presented by the Secretary to the Governor for his  
approval.

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

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

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Off Record Remarks

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

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

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Senator **SULLIVAN** of York was granted unanimous consent to  
address the Senate off the Record.

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Off Record Remarks

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On motion by Senator **COLLINS** of York, **ADJOURNED** to  
Thursday, May 19, 2011, at 9:30 in the morning.