

MAINE STATE LEGISLATURE

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

In Senate Chamber
Thursday
March 25, 2010

Senate called to order by President Elizabeth H. Mitchell of
Kennebec County.

Prayer by Reverend Sally Colegrove, Windham Hill United
Church of Christ.

REVEREND COLEGROVE: Good morning everyone, let us be
in the spirit of prayer. Oh Holy One, You whom we know by many
names, draw near to us and listen to the concerns of our hearts.
We are in a time of many opinions and much debate as the work
of the Senate moves from committees to the time of action. We
give You thanks for all that has brought our work forward. Now
we would ask for wisdom, that we might make the best decisions
for those we represent. Open our minds and our hearts that we
might more fully listen to one another. Guide us and give us
strength during long days and late nights. Watch over us as we
seek to be leaders of people with many needs, people rich in
diversity, people blessed with talents and abilities. Challenge us
to do our best in every setting, reaching for compromise and
seeking excellence. We give You thanks for all of the people of
Maine wherever they may be today, at work, at school,
volunteering, on farms, at sea, at home. We would especially
commend to Your care those of our state family who are on active
duty and away from us, bring them safely home. And now, God
of all, as we enter the Holy seasons of many faiths, walk with us
and grant us Your peace. Turn us toward our tasks, with strength
and hope, vision and imagination, at this hour and throughout our
day. Amen.

Reading of the Journal of Wednesday, March 24, 2010.

Doctor of the day, Dr. Lisa Ryan, DO of Naples.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, To Implement the Recommendations of the Juvenile
Justice Task Force (EMERGENCY)

H.P. 1204 L.D. 1703
(C "A" H-708)

In Senate, March 17, 2010, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-708)**, in
concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-708) AS
AMENDED BY HOUSE AMENDMENT "A" (H-773)** thereto, in
NON-CONCURRENCE.

On motion by Senator **GERZOFSKY** of Cumberland, the Senate
INSISTED.

Sent down for concurrence.

The following Joint Resolution:

H.P. 1309

**JOINT RESOLUTION ENDORSING TAIWAN'S
PARTICIPATION AS AN OBSERVER IN THE MEETINGS AND
ACTIVITIES OF THE INTERNATIONAL CIVIL AVIATION
ORGANIZATION AND THE UNITED NATIONS FRAMEWORK
CONVENTION ON CLIMATE CHANGE**

WHEREAS, Taiwan and the United States enjoy an
important and strategic relationship; and

WHEREAS, aviation safety and global climate change are
vital issues of international interest and concern; and

WHEREAS, the United Nations Framework Convention on
Climate Change preamble acknowledges "that the global nature
of climate change calls for the widest possible cooperation by all
countries and their participation in an effective and appropriate
international response"; and

WHEREAS, Taiwan's highly industrialized development has
brought about a large amount of carbon dioxide emission, and its
participation in the United Nations Framework Convention on
Climate Change and related agencies and activities will benefit
the international effort to combat climate change; and

WHEREAS, Taiwan is a key air transport hub in the Asia-
Pacific region, and the Taipei Flight Information Region under
Taiwan's jurisdiction covers an area of 176,000 square nautical
miles and has 1,350,000 controlled flights passing through each
year; and

WHEREAS, in 2008, Airports Council International statistics
ranked Taoyuan International Airport in Taiwan as the world's
11th largest airport by international cargo volume and 19th in
international passenger services, and Taiwan plays a prominent
role in regional air control and transport services and in
consideration of flight and passenger safety; and

WHEREAS, Taiwan's participation is indispensable if the
International Civil Aviation Organization and the United Nations
Framework Convention on Climate Change are to ensure the
integrity of the global civil aviation safety network and protection
of the global environment; and

WHEREAS, the International Civil Aviation Organization and the United Nations Framework Convention on Climate Change practices allow for Taiwan to meaningfully participate in those organizations' meetings, mechanisms and activities; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to indicate our support for Taiwan's participation as an observer in the meetings and activities of the International Civil Aviation Organization and the United Nations Framework Convention on Climate Change; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Congressional Delegation of the United States Congress and Director-General Anne Hung, Taipei Economic and Cultural Office in Boston.

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

READ and **ADOPTED**, in concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Public Law

The Committee on **TAXATION** on Resolve, To Review and Update the Telecommunications Taxation Laws
H.P. 1306 L.D. 1823

Reported that the same **Ought to Pass**, pursuant to Public Law 2009, chapter 213, Part P, section 2.

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.

Ought to Pass As Amended

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Prevent the Spread of Invasive Plants and Protect Maine's Lakes"

H.P. 1090 L.D. 1548

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-724)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724) AS AMENDED BY HOUSE AMENDMENT "A" (H-757)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-724) **READ**.

House Amendment "A" (H-757) to Committee Amendment "A" (H-724) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-724) as Amended by House Amendment "A" (H-757) thereto, **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Establish a Broadband Policy for Maine" (EMERGENCY)
H.P. 1174 L.D. 1646

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-685)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-685)**.

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

READ ONCE.

Committee Amendment "A" (H-685) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Amend the Standards by Which Game Wardens May Stop All-terrain Vehicles when Operating on Private Property"

H.P. 1080 L.D. 1536

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

Signed:

Senator:
TRAHAN of Lincoln

Representatives:

CLARK of Millinocket
SARTY of Denmark
McLEOD of Lee
SHAW of Standish
BRIGGS of Mexico
EBERLE of South Portland

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

Signed:

Senators:

BRYANT of Oxford
JACKSON of Aroostook

Representatives:

WHEELER of Kittery
CRAFTS of Lisbon
SAVIELLO of Wilton
DAVIS of Sangerville

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A"** (H-759).

Reports **READ**.

Senator **BRYANT** of Oxford moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

Senate

Ought to Pass As Amended

Senator GERZOFKY for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing County Jail Budgeting for York County" S.P. 668 L.D. 1745

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-461)**.

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

READ ONCE.

Committee Amendment "A" (S-461) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SECOND READERS

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

House

Bill "An Act Pertaining to Sales Tax Exemptions for Products Purchased for Agricultural Use"

H.P. 1304 L.D. 1821

Bill "An Act To Further Amend the Sex Offender Registration and Notification Act of 1999" (EMERGENCY)

H.P. 1305 L.D. 1822

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

Bill "An Act To Make Corrections to the Life Settlement Laws" H.P. 1073 L.D. 1523

READ A SECOND TIME.

On motion by Senator **CRAVEN** of Androscoggin, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**, in concurrence.

House As Amended

Bill "An Act To Improve the Laws Governing the Consolidation of School Administrative Units"

H.P. 408 L.D. 570
(C "A" H-768)

Bill "An Act To Improve Water Quality through the Phaseout of Overboard Discharges and the Improvement of the Boat Pump-out Laws"

H.P. 1111 L.D. 1573
(C "A" H-756)

Bill "An Act To Amend the Rights and Liabilities of the Supervisory Physician of a Physician Assistant"

H.P. 1112 L.D. 1574
(H "A" H-755 to C "A" H-732)

Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

H.P. 1270 L.D. 1780
(C "A" H-770)

Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2010-11" (EMERGENCY)

H.P. 1294 L.D. 1807
(C "A" H-758; H "A" H-771)

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

Bill "An Act To Stimulate the Maine Economy and Promote the Development of Maine's Priority Transportation Infrastructure Needs"

H.P. 1167 L.D. 1639
(S "A" S-441 to C "A" H-699)

Bill "An Act To Clarify Exemptions in the Milk Handling Fee"

H.P. 1276 L.D. 1788
(S "A" S-458 to C "A" H-737)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate As Amended

Bill "An Act To Allow a Maine-chartered Financial Institution To Conduct a Savings Promotion Raffle"

S.P. 645 L.D. 1673
(C "B" S-418)

Bill "An Act To Allow the Electronic Registration of Big Game Animals" (EMERGENCY)

S.P. 656 L.D. 1723
(C "A" S-421)

Bill "An Act To Authorize a General Fund Bond Issue To Create a New Electronic Medical Records Infrastructure"

S.P. 675 L.D. 1761
(C "A" S-445)

Bill "An Act To Promote the Establishment of Innovative Schools" (EMERGENCY)

S.P. 706 L.D. 1801
(C "A" S-455)

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

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Amend the Maine Certificate of Need Act of 2002 Concerning Right of Entry and Investigation

H.P. 1129 L.D. 1591
(C "A" H-720)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Extend Access to Federal Health Insurance Premium Assistance

H.P. 1259 L.D. 1769
(C "A" H-722)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

Acts

An Act To Provide Protections for Consumers Subject to Mandatory Arbitration Clauses

H.P. 875 L.D. 1256
(C "A" H-715)

An Act To Improve Toxics Use Reduction and Reduce Energy Costs by Maine Businesses

H.P. 999 L.D. 1423
(C "A" H-712)

An Act To Establish the Silver Alert Program

H.P. 1138 L.D. 1610
(C "A" H-709)

An Act To Expand Options in Child Protection Proceedings for Children in Foster Care

H.P. 1151 L.D. 1623
(C "A" H-706)

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

An Act To Improve Tribal-State Relations
H.P. 333 L.D. 445
(C "B" H-714)

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

Resolve

Resolve, Regarding a Report on the Status of Federal Ship Ballast Water Discharge Rules

H.P. 1194 L.D. 1693
(S "A" S-436 to C "A" H-652)

FINALLY PASSED and having been signed by the President was presented by the Secretary to the Governor for his approval.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Authorize Bond Issues for Ratification by the Voters for the June 2010 Election"

H.P. 1313 L.D. 1826

Comes from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

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

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

On motion by Senator **BARTLETT** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (3/24/10) Assigned matter:

An Act To Improve Maine's Air Quality and Reduce Regional Haze at Acadia National Park and Other Federally Designated Class I Areas

S.P. 627 L.D. 1662
(C "A" S-402)

Tabled - March 24, 2010, by Senator **SIMPSON** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, March 16, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-402).**)

(In House, March 23, 2010, **PASSED TO BE ENACTED.**)

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

The Chair noted the absence of the Senator from Hancock, Senator **ROSEN** and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#355)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, CRAVEN, DAMON, DAVIS, DIAMOND, GERZOFSKY, GOODALL, GOOLEY, HASTINGS, HOBBS, JACKSON, MARRACHE, MCCORMICK, MILLS, NASS, NUTTING, PERRY, PLOWMAN, RAYE, RECTOR, SCHNEIDER, SHERMAN, SIMPSON, SMITH, SULLIVAN, TRAHAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: None

EXCUSED: Senator: ROSEN

34 Senators having voted in the affirmative and No Senator having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

Bill "An Act To Make Corrections to the Life Settlement Laws"
H.P. 1073 L.D. 1523

Tabled - March 25, 2010, by Senator **CRAVEN** of Androscoggin

Pending - **PASSAGE TO BE ENGROSSED**, in concurrence

(In House, March 16, 2010, **PASSED TO BE ENGROSSED**.)

(In Senate, March 25, 2010, **READ A SECOND TIME**.)

On motion by Senator **CRAVEN** of Androscoggin, Senate Amendment "A" (S-462) **READ**.

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

Senator **BOWMAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, I request permission to ask a question through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **BOWMAN:** Thank you, Madame President. What is the purpose of this amendment, the rationale behind it?

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

Senator **CRAVEN:** Thank you, Madame President. Ladies and gentlemen of the Senate, this amendment removes the provision

regarding which types of life insurance coverage are subject to consumer notification requirements, and it returns it to the previous statute.

On motion by Senator **CRAVEN** of Androscoggin, Senate Amendment "A" (S-462) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-462), in NON-CONCURRENCE.

Sent down for concurrence.

Senator **MARRACHÉ** of Kennebec was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator **MARRACHÉ** of Kennebec, **RECESSED** until 4:00 in the afternoon.

After Recess

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Improve Employment Opportunities for Maine Workers in the Forest Industry"

H.P. 1094 L.D. 1552

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-738).**

Signed:

Senators:
JACKSON of Aroostook
GERZOFSKY of Cumberland

Representatives:

CLARK of Millinocket
BLODGETT of Augusta
TUTTLE of Sanford
BUTTERFIELD of Bangor
BICKFORD of Auburn
GILBERT of Jay
DRISCOLL of Westbrook

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

Signed:

Senator:

MILLS of Somerset

Representatives:

THIBODEAU of Winterport
HAMPER of Oxford
CUSHING of Hampden

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-738) AND HOUSE AMENDMENT "B" (H-779)**.

Reports **READ**.

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

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

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Gooley.

Senator **GOOLEY:** Thank you, Madame President. Ladies and gentlemen of the Senate, I stand before you in opposition to this particular L.D.. I understand the problem, but I don't understand the approach that concerned factions are taking. It's a very serious business. Northern Maine and Maine in general has enough economic problems. We're talking about bonded labor. The definition of bonded labor is a foreign citizen who is hired by an American company because of a lack of American labor available for specific jobs. The process requires that Americans are given first opportunity for the job. The use of Canadian labor in northwestern Maine's working forest is a longstanding partnership between Maine and neighboring Canadian provinces and is often needed because of a lack of qualified American labor in remote regions of a working forest to operate equipment and harvest trees. Often these sites can be several hours away from organized towns, far from family and public services, making the jobs unattractive to many American workers. Many companies in this region, up north, must supplement their American workforce with Canadian help which is closer to the harvest sites near the northwestern U.S./Canadian border to harvest enough wood to feed Maine's saw mills and paper mills. An interesting

observation to this is Domtar, down in Washington County, and I'm told that 25% of the wood that Domtar receives in Washington County comes from northern Maine and some of that is using the bonded labor. Some of that is transported over the Montreal, Maine and Atlantic Railway, and there's going to be a proposed bond for \$17 million to help save the MMA Railway in northern Maine. If we lose that, that certainly isn't going to help the people of northern Maine. Furthermore, if the Legislature eliminates the practical use of bonded labor by passing these bills, up to 15% of Maine's wood supply could be jeopardized, artificially increasing the cost of wood and subsequently threatening jobs in paper mills and saw mills that will already be experiencing tight wood supply. Passing these bills would result in an economic disadvantage for Maine mills. Supporters of this legislation will not be satisfied until Canadian labor in Maine is entirely eliminated. Some other aspects to this would be the Tree Growth Tax Law, and it calls for removing land from the Tree Growth Tax Law and having the penalty applied. I'm told that there may be as many as 4 million acres in northern Maine under the Tree Growth Tax Law that could be affected. When you first put land under the Tree Growth Tax Law and you take it out, the penalty is 30%. Over 20 years, that's reduced to 20%, and if it is taken out of the Tree Growth Tax Law, it's the difference of the value of the land when it went under the Tree Growth Tax Law and the value when it came out, and the 20% would be applied. We're talking about millions of dollars here. I think you get the big picture. The Forest Fire Suppression Tax is affected, and that could affect the Maine Forest Service because monies from that go to fund the Maine Forest Service. The worst case scenario here would be that fire protection would go down drastically. The Maine forest products industry has also requested meetings with the Maine Department of Labor over the course of the last several months to help make the program more transparent. Those requests have been denied, leaving them in the position to be punished by those two dangerous pieces of legislation, meaning the other piece, also. I guess the industry would suggest that the Legislature and the Governor direct all parties to convene and solve this issue in a collaborative, constructive manner. The parties including the good Senator from Aroostook, and the good Representative from Eagle Lake, the Maine Civil Liberties Union, logging contractors, the Maine Department of Labor, the U.S. Department of Labor, and others should work together and build a stronger, more transparent program which can be uniformly applied to all contractors. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President. Men and women of the Senate, until very recently I hadn't heard much about this piece of legislation. It was only very recently, a few days ago, that I started to hear issues and get e-mails and phone calls on this legislation and I've been very torn about this piece of legislation because of the concern over jobs. Jobs, for me, is the most important issue. I got this e-mail from a constituent of mine who is a businessman in my Senate district in the northern part of my Senate district, in Lincoln. He's a well-respected person who happens to be a Republican. He writes, 'I'm writing to ask you to support L.D. 1552. I own and run a master logger certified company. I started my company in 1981. I employ 45 people directly and another 25 indirectly. L.D. 1552 will require landowners to make a decision as to which benefit is greater, tree

growth tax treatment or the use of Canadian bonded labor. If they chose not to use Canadian bonded labor, the result will obviously be that wages will increase to a point that American workers, Maine workers, will fill those jobs. One of my greatest disappointments regarding owning and managing my business is the low wages that I am forced to pay my people in order to stay in this business. Our employees average close to 20 years in the woods business. Average wages are \$11 per hour. Because these men generally work 60 to 75 hours per week, plus travel time, I'm able to support their families. I welcome any opportunity that I may be able to increase wages for our hard-working and highly skilled wood workers.' I then followed-up with a phone call which was really helpful to me because he really made a great point, that this is all about Maine workers. There are many, many Maine workers. Then I asked the Department of Labor how many people, Maine woodworkers, are unemployed. They said over 900. Nine hundred Maine people could be put to work. So there are all these arguments that we can't get people to work, but my guess is that they will have at least a chance here of getting work with this bill. That's why after struggling, and I mean struggling, with this piece of legislation, this was extraordinarily helpful to me to hear from a respected businessman in my community and know that this is about putting Maine workers back to work, as well as trying to pay a better wage for those who are already employed. Thank you.

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

Senator **NASS:** Thank you, Madame President. Ladies and gentlemen of the Senate, I'm opposed to the motion, just to make it very clear before I start. My input today and my interest is going to be talking about Tree Growth. Usually we're pretty careful around here in assigning bills to the right committee, and sometimes we have disputes about that. My opinion is that this bill, and we were notified early on, that this bill should have gone to the Taxation Committee. They have the jurisdiction over Tree Growth. Maybe we've forgotten how important Tree Growth is to this state. My opinion is that this is a complete misuse of what Tree Growth is all about, it's the big hammer. It's the big hammer because of the penalties that accrue over years, and in this case, the northern part of the state, the penalties are huge. It does get people's attention. The assumption is, I think, for most landowners, that once you're in Tree Growth if you meet the requirements, you get to stay there. It is our biggest land conservation program that we have in the state. The Nature Conservancy is wedded to this program. Huge amounts of land, the fact that they remain conserved and open and available for tree growth is because of this program. It has been around for a long time. It should not be subject to this kind of a threat. If there are issues with bonded labor, and don't forget we're running this program according to federal rules and regulations, then those folks who are concerned about bonded labor ought to go to our federal representatives and they just happen to be, I would assume, highly receptive to this concern at this point based on who's in control in Washington. This issue is better dealt with down there. If there are problems with bonded labor, and who is and how many can come in and where they can work and under what conditions they can work, that's the place to take this. You should not, in my opinion, be using Tree Growth as the hammer here. I think this is just an absolute mistake and it is not the right thing to do. People who are depending on Tree Growth now have

been threatened. So it now becomes less useful to them. Is that what we want to have happen with that? I don't think so. Thank you, Madame President.

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

Senator **JACKSON:** Thank you, Madame President. Ladies and gentlemen of the Senate, just to be clear, I'm 100% in support of this legislation. To answer the good Senator's questions, I think that this bill certainly was appropriate to go to the Labor Committee. We are talking about a labor issue and the penalty for this labor issue is that you could lose your benefit in the Tree Growth program. We didn't change the Tree Growth program which is clearly the jurisdiction of the Taxation Committee. We have obviously made it a penalty to use foreign labor and I think that's appropriate for the State of Maine to rule on. It is a Maine program. It is a benefit that the landowners from the State of Maine receive from the pockets of Maine residents. I know in my town of Allagash, which is the largest town in the State of Maine, not many people but it's a big place, we have 77,000 acres, and 72,000 of it is in the Tree Growth program. The 72,000 acres make up less than half of the tax income in the town of Allagash. What happens is that people like myself are making up that reimbursement in that town and in the unorganized territories. All of us are making up that reimbursement. I think it's fair that for our tax dollars that are going toward making up this reimbursement, I think that we should be able to put some requirements to show that it is a benefit to the State of Maine. I don't think that there's anything that is more important, especially at this time, than to say that jobs for the people of the State of Maine are a benefit. That's what we're asking for in this legislation.

Ladies and gentlemen of the Senate, I stand here trembling because this legislation, more than any other thing from my district, is important. It's why I am actually in this body, no other reason. Nothing in my background says that I should be the State Senator for District 35 more than this issue, because this issue has been going on for well over 50 years with Maine people struggling to keep their place in an industry that continually tries to get cheaper labor to come in. It's an occupation that never had the lobbyists that could come to Augusta and work people like they do here. It never was organized to send out the e-mails and things like that that we've all received. Basically just people that want to go to work and support their families. When I got out of high school in the area that I live in, I just wanted to go to work. I didn't want to go to college and the simple thing to do was to go to work in the woods. Basically it's the only occupation that we have for the most part. So, that's what I did. I took my place like many of us did, like my father and my grandfather. That's great at first. Back in 1986, you're making \$8.00 an hour, and you get to work 55-60 hours, whatever, and you bring home \$400 a week. For an 18-year-old kid that's pretty cool. You get the new pickup, you get to go out to the bars during the weekend, and life is good. But as time goes on and you have children, you start to realize that you've got to do better. I started to realize that shortly after my first son was born. I decided in 1992 to leave the job that I had in the woods to travel to what's called Comstock, on mile 79 of the Golden Road. To give you a point of reference, mile 79 of the Golden Road is about 10-15 miles above where the American Loggers, the Pelletier's, are on the Golden Road. It's that much more remote than the American Loggers show is. I have worked

for the American Loggers and they're good people and they've got a great show and I'm very proud of them, as just a side note. The reason why I went there was because it was better pay, full-time work, and I never missed a week in three years and I had health insurance for the only time in my life in the logging field. The only reason, after three years of working there I left was to buy my own equipment.

The argument that people will not go to remote areas of the state is bogus. I live in a remote area and the people that are in my district are in a remote area, and everyone there knows that they have to travel to work in the woods. I left the heart of the north Maine woods to go to Comstock Woodlands, a five hour drive, to get a better opportunity. That argument is just false. The reason why people don't want to travel far in the woods is only because they're not making enough money to make it worth their while. They're trying to find something else because it just isn't making it for your family. As I started to go through and realized that I just was not getting ahead, I was speaking to my grandfather about it, he's now since passed, and he told me that when he was about my age he can remember walking into a logging camp, and walking was the only mode of travel, and after he'd walked there most of the day in the winter, he was told that he didn't have any work there because they had foreign labor there with their own horses and he had to turn around and leave. My grandfather at that time was a large man, and to look at a picture of him, you could tell that he could work, but he was sent away. I've heard that so often through time.

I center around one thing here. I went to the Law Library in the statehouse and got a package of papers about this high of all the different logging disputes that the Law Library has kept over the years and if you look, the very first one they pulled out was in 1974. In the picture is my father-in-law, who I obviously didn't know at that time. He was involved. Everyone I know is involved. I just wanted to bring up that it actually references Representative Doug Smith, at the time. Senator Smith has certainly seen this issue in his time here. That area is full of people that have been driven away, have been depressed, and told that they couldn't have a job. For years I've seen some of the saddest, dirtiest things done to people. I've seen people pack up their vehicles and leave this state to go to states like Vermont to do the very same job they could do in the town that they left. It was all because they couldn't get a job, a job that paid a fair wage. If you look at it right now, today, there are 36 companies that are filing for foreign labor in the Maine woods and 28 of them list their place of business as Canada. If you want to get a job, you have to go to Canada to get a job in Maine. It's insanity. It's Canadians hiring Canadians to come into Maine, cut our wood and send it, most often, to their mills, and the State of Maine doesn't see a benefit of it. On top of that, we pay their taxes. I don't understand how anyone can argue that this is good policy for the State of Maine. There is a valid argument about mills and I'm not saying that we shouldn't do everything we can to protect mills. The argument that because Maine loggers get the jobs that the mills are going to suffer, I can't see why that is either. Everything that we know in this state, when we have study after study, it says that the landowners of the state have continued to make money, over the last 20 years, to the tune of 169% profits. At the same time in this same study, the industry that you're hearing that this is going to kill, is also quoted from this study saying that 74% of the productivity of Maine workers went up in that time, but their wages fell 32%. The fact that Maine landowners are making money does not mean that because

Maine loggers need more, that the mills are going to go out of business. It's an odd concept to me that people would say that we have to throw Maine loggers under the bus to protect Maine mills. I would rather see us doing things to protect both the Maine mills along with the Maine loggers. I have committed to do that. I'm on the Citizen Trade Policy Commission and we've met with the same mills that are lobbying me here today to not support this legislation because they're under attack from places like China for paper dumping in the United States. They've lost 30% to 40 % of their market because of foreign competition. They're saying, 'Help us, do whatever you can,' and I'm saying, 'Hey, I'm right there, I'm with you.' But, whenever I say that foreign competition is killing me, they say, 'Well, so what?' I don't know really what else to say.

I passed around another e-mail that some gentleman talked about how this was bad legislation and that we shouldn't do it and that it was going to kill the industry and after he signed it and you look at it, he wrote his phone number down and the exchange number that he put was 418, which is Quebec. That's exactly what I'm trying to get through here to people is that if you're interested in losing the 28 Canadian companies that are filing for bonded labor in the north Maine woods, then vote against me today. But if you want to do something to protect the 934 people on unemployment that say that they're loggers and are looking for work and aren't even asking for more money, they're just asking for the jobs that are being posted, then I would ask you to support the Majority Ought to Pass Report. It seems to me that supporting Maine workers is something that we all want to do.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator MILLS: Thank you, Madame President. Men and women of the Senate, it seems to me that this debate is swirling around an issue that is largely in the past. There's no question that 20 years ago and 30 years ago we had thousands and thousands of people working in the woods, Americans and Canadians. It was such a labor-intensive endeavor that we did import something in the order of 1,000 Canadians to get the wood harvest done, along with 4,000 or 5,000 American workers. Now those numbers overall have come down significantly. There are something like, I think, 2,500 loggers that work in the season when the ground is frozen and only about 180 of them, maybe 7% or 8% of them, are Canadian bonded workers. They are mostly workers who come in along the border where their homes are a lot closer, much closer, to the work site than almost anybody who lives stateside. Indeed most of the wood now is being harvested by machinery that costs half a million dollars, and you have to be very sophisticated to be able to run one of these machines, and many fewer people are getting hurt in the woods, I might add. An individual worker, one worker, today can produce many more cords of wood that the individual worker of 20 or 30 years ago because he's not cutting with a chain saw anymore. Even though the Canadian bonded workers represent only a tiny fraction of the total, they are brought in and they are put to work at a time when it is crucial that the harvesters get their wood out within the windows of time that are appropriate for environmental reasons. Our rules today are much more stringent than they were 20 years ago, and the foresters, frankly, want to be good environmentalists. They focus their cutting endeavors into those windows of time when the ground is frozen solid and you can get the wood out with the least amount of damage to the deer yards

and the environment, and the streams. If this bill results, as I think it might, in depriving the Maine economy of these 180 Canadian workers at the peak of the season when it's most crucial that they be here operating these large pieces of equipment it will have the impact of reducing the wood supply rather significantly and the other impact would be to raise the cost of pulp and lumber. The mills that are operating in Maine right now are on a thin margin. People are not building homes, they're not buying 2 x 4s and framing lumber, and people are not advertising in magazines and they're not buying coated paper nearly as much. For the slender markets available to us for lumber and for paper, we're competing in a very tight economic setting in which a few pennies here and there can make the difference between whether you can sell your paper or your lumber, or somebody else's gets sold. If we put our paper mills and lumber mills at a price disadvantage in the middle of this recession we are very likely to see one or more of them simply close. For the price of rejecting perhaps as many as 180 Canadian workers we could very easily put 300 paper mill workers out at the drop of a hat, or 300 people working at the saw mill. Many of us in this chamber have saw mills and paper mills in our own districts and we know what a devastation that would be if any one of them closed. I think the problem is an old one, but I think it's diminishing over time and whatever we are doing to encourage American workers to take these jobs with their sophisticated skills and equipment is succeeding. I think at this time to shut the door on allowing landowners to use imported labor, which this bill effectively does, no one in his right mind is going to risk --- well it's no risk at all. If you use bonded labor, you get no Tree Growth. This is a bill that is tantamount to saying, 'Canadians, stay home. No bonded labor allowed on this side of the river or the border,' and it will mean that there will be a labor shortage in some of the remote areas of Maine. A labor shortage translates into a wood shortage. A wood shortage translates into an increase in price. An increased price to the mill puts those mills in an anti-competitive posture with the rest of the world. I'm reluctant to do this, and I'm not only reluctant, I'm opposed to doing it. I don't see how we can take that risk in the middle of this recession. I deeply respect, frankly, my good friend from Allagash, and I respect his trade. I've spent a good deal of my life representing people in his trade, and on weekends I pretend to be part of that trade, but I don't produce very much wood. I get good exercise out of it. I'm just concerned. We're playing with economics here and there are a lot of emotions at stake. I share some of those emotions, to be candid with you, but I think that we have to do the rational thing. We have to be very careful with our Maine economy and Maine today produces as much wood, as much pulp and as much lumber as it ever did, as I understand the statistics. Even though we have many fewer people working in these industries, mainly because these industries are automated, both at the mill and in the woods. There's a lot at stake here. If you're in manufacturing, the highest paid jobs in Maine are in the paper mills at \$50,000 and \$60,000, \$70,000 a year. I think we, as a Body, should be very reluctant to put those kinds of jobs at risk in order to carry on a border feud over 180 Canadian bonded labor workers. For that reason I urge you to vote no on this motion and I do so with the deepest of respect for the good Senator from Aroostook.

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

Senator RECTOR: Thank you, Madame President. Men and women of the Senate, the damage this bill creates is injecting uncertainty into our forestlands. Like my good friend from Somerset county I share the concerns about the logger situation. This bill, I'm afraid, is going lead to a loss of jobs in many of our mills throughout Maine. It will lead to a loss of future investment in those mills due to the uncertainty that we will have created legislatively. Ultimately, it will add further to the job losses of the 12,000 manufacturing jobs that we have already lost here in Maine in the last decade. In the future, paper and pulp will be produced in states where these problems have not been legislatively created, in Alabama or Wisconsin or Michigan or in Brazil or Finland or elsewhere around the world. We will continue to be the most forested state in the nation with no buyers for our wood and no jobs for our loggers or our mill operators or our truckers or many, many, many others. This bill will result in damage to the very people that we are purporting to help, and so I urge you to reject this bill. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Gooley.

Senator GOOLEY: Thank you, Madame President. Men and women of the Senate, I just wanted to rise one more time to say to the good Senator from Aroostook that I've worked with a lot of loggers over the last almost 50 years I guess, and one of them happened to be Eddie Dexter. He was a representative, as many of us know. He started working in the woods when he was 12 years old, and he always told that story, and he weighed 100 pounds soaking wet. Anybody who's smiling remembers Eddie. I guess I would like to think that I understand the good Senator's pain and I understand where he's coming from and I respect the good Senator from Somerset and what he had to say. I couldn't say it any better than he said it. Thank you.

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

Senator JACKSON: Thank you, Madame President. Ladies and gentlemen of the Senate, I was thinking about this in anticipation of this debate and I'm not trying to be boastful, but for the last two years serving with the good Senator from Somerset on the Labor Committee, every time that we had a divided report I got up sheepishly and I always deferred to his knowledge because he is very knowledgeable in letters of the law. He really knows what he's talking about. But on this issue, I think I'm at least at par with him. I'm glad the argument that there are only 180 bonded laborers in the State of Maine was brought up. Can we not get 180 people who do logging in the State of Maine when there are 930 that are unemployed and consider themselves loggers? I disagree with the statement that you can't get people to go to remote areas of the State of Maine. In 50 minutes I can be at the St. Paul field in Quebec from my house. I already stated that I drove five hours to work on the Golden Road and when I worked there, for those three years, I worked with a majority of people from the Fort Kent area. Every camp where I've stayed in the north woods has had considerable Americans that were willing stay there all week, all year, and showed up on time, just like the foreign labor did. The one thing they had in common was that they were making decent money at those places, as opposed to other places where they weren't making as good money and they weren't willing to stay all week long. The whole thing about

bonded labor is that it cannot, and it's one of the first premises in the bill, in the current law, adversely affect American wages or working conditions. That's the number one goal of the program. This program is used, as you've heard and we heard in the hearing, is for their surge, their big surge. You hear it whenever the roads are frozen. They don't have to build good roads because they're frozen up. They want to bring in a whole bunch of foreign labor to flood the market and get it out quick and get done as quickly as possible. That is not what this program is about. You're not supposed to as I've said, bring it in to depress wages and working conditions for Americans. We run, at best, a nine month season and many times less than that, and why it's less than that is because these foreign laborers have been brought in and they've cut the wood for the harvest that the mills need. I know that most of the people that I have worked for, and when I worked for myself, I can do a lot more than what I'm doing many times, but they won't allow me to do that for a stretch of the year until they actually see that the market is really booming and then they want all that wood in a big rush. That is not what this program is for, it is for a crop that's going to spoil in the field if it isn't harvested. Trees don't spoil, they actually become worth more the longer they're there. Mainers are willing to go out and invest the money that it takes to buy this type of equipment. We have a program here in conservation that allows you to get low-interest loans for logging equipment. Despite that, people will do whatever they can to get these jobs in areas like mine because they are the only jobs available. But they're not going to go out and put the type of investment into this equipment that there is. They're not going to put their homes up as collateral in this type of investment if they know that they will only get four months a year to work because foreign labor is going to come in and depress their wages and working conditions. That's exactly what happens. This summer right here, this very summer, people that I worked for in the past were told to sell their equipment because they didn't have work for it. I've seen more than one contractor in my general area have the bank come and repossess everything he has, everything his family has, because the landowners did not want to start cutting right then. Then they turn around and say at the hearing that they couldn't find the people to cut their wood this year. I just disagree. You have to do it a different way, maybe. You have to think a little bit more outside the box. You weren't supposed to count on a program to get you foreign labor at cheaper rates and who have health insurance, to do your cutting for you. You are supposed to work with the people in the State of Maine that are paying your taxes on your land.

When we got done here in June, I couldn't file for unemployment because you have to have earnings in two quarters in the year, and obviously in the First Session we were here until June and I ate up any chance I had to get the other quarter because one of those quarters is considered mud season in logging. I had one quarter and I couldn't get unemployment, basically. I filed with the job service for work and there was a bit of a thing. Let me tell you that it's the only industry in the State of Maine that you have to go to an outside person and ask for a job from the guy that's probably standing right alongside of you in your own town, but if you don't do it that way there's no paper trail to say that you at least applied for the work. I went and did that and I went through the whole process and filed, and it came up with 13 matches for me for work. I accepted referrals to all 13. Two months later I got the first letter in the mail from one of them. It was a Canadian outfit that I knew well and was close by my house and they said, 'congratulations, you've been accepted to

run our delimeter. Because of the weather, we'll not be working for such and such a time, we'll contact you whenever we're ready to go to work.' Throughout the next couple of weeks I received two more of those same letters, with the very same form letter. I played the game because I know it so well, and I sent it back and said, 'yes, I'm thrilled to work for you.' Eventually the letter came back saying we're still waiting and the market's no good and the weather's bad, it's raining all the time and they're not starting. I sent it back and said, 'please let me know whenever the market gets better and you actually need Americans to work for you.' Finally, in September, I got a call at 7:00 in the morning that I needed to be at mile 10 on the Robinson Road, 10 miles below St. Paul field sometime that afternoon. I had to be there right bang, let's go. I was informed that I had to go for a skills test to operate a delimeter that I've had 22 years experience on and I basically told them that I couldn't go right this minute but I will go. I went to the skills test and I was told right then that it was going to take two days to do a skills test, so pack a lunch. I said I wasn't going for a two-day skills test, that was ridiculous. I went and did it and I was refused and told that I couldn't operate the delimeter and that was that. The other two companies that I had applied to were actually referred to me. They ran me on goose chases. It's no wonder that Americans can't get work in the Maine woods. Even though he was working not far from me, he decided that I'd have to go do the skills test all the way down in Princeton, and I called him on that because he didn't file for his bonded labor in the Princeton area. Then he decided that it was going to be up in St. Paul field and then he changed the date and he changed the time and somewhere along the line I missed it because I couldn't keep up with his continued changes of the skills test. I failed that one and subsequently I failed the other one while I offered to go and do skills test for a number of delimeters in my area that he could see. The other nine never even responded, did not even send me a letter or anything like that, and we talk about how the program is changing enforcement and all that. Well that would be fine, but as of now I filed 13 complaints against those 13 companies, all Canadian, that I asked for a job with, and I felt that four of them at least gave me lip service but in the end didn't hire me. Since that time I have not heard one word from the U.S. Department of Labor, who enforces this program. Throughout my life that's the way it's been and most everyone that I represent in that area knows that these jobs are not for Mainers. You shouldn't apply for them because you're going to get that type of service, you're going to get the run around, and in the end you're not going to get any recourse from the U.S. Department of Labor.

As I said earlier, the reason why I ended up coming to this place is because in 1998 after continued attempts to change what I saw and perceived as a problem with this industry. I went as far with the group of us as to block the Canadian border for a whole week's time to protest this problem. I thought at the time that the problem was that we were just so far out of the way, we were so remote, that no one knew what was going on. What I actually figured out after time, after hammering as much as I could, was that people knew what was going on and they were keeping it that way. That was an advantage to the industry. That's why I decided to run for this Legislature and ended up in the State Senate, and that's the only reason why I've ever been able to get elected in my district. I would not want anyone to trivialize this issue because it is an issue and there is a problem out there. This will cut to the heart of it and I would love to have people explain to me how it's a disadvantage for Maine citizens not to

have work in the Maine woods. I do not think that it's going to hurt the Maine mills and I'd ask you to vote for it.

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

Senator NUTTING: Thank you, Madame President. Ladies and gentlemen of the Senate, approximately 12 years ago I chaired a legislative task force concerning bonded labor in our forest products industry. One of the young, handsome loggers at the time who chose to serve on that task force was Troy Jackson. For better or worse, he's probably here because of the service of that task force that he served on years and years ago. It was amazing to me how the Canadian government really would then, and still today, do anything to make sure their forest products industry is healthy and survives. The Canadian government subsidizes to a huge level, and still to this day, wages and trucking rates and fuel tax subsidies and construction costs, for everyone working at cutting wood and making wood into 2 x 4s and plywood. That's all subsidized to make sure that they have places for their workers to work. Most of the bonded Canadian people working in the woods industry, that wood, ladies and gentlemen of the Senate, ends up going to Canada because it's subsidized and they make more money shipping Maine wood to Canada to mills in Canada that are subsidized, to cut that wood into 2 x 4s, 2 x 6s, plywood, whatever, and then to be loaded on thousands and thousands of trucks that haul that Maine wood right back into the United States to sell. It's all subsidized by the Canadian government. Our Tree Growth tax break is a very important program. That tax break is funded by everyone else, all the other taxpayers in this state. How does the Canadian government subsidize their program to make sure that it's going to be profitable to cut wood in Maine or cut wood in Canada, and haul it to the mills and run the mills and then haul that wood back to the United States, most of it? Part of their subsidy comes from extra fees on Canadian wages earned by people working in the woods industry because they are paid a premium. We've got a situation where the Canadian bonded workers that come here, their wages are garnished some to help pay the Canadian subsidy, to make it profitable to take Maine wood and haul it to Canada, cut it up there and then haul it back to the United States. They have it down to a science. As the chair of the Agriculture, Conservation and Forestry Committee, it probably shouldn't be any secret that I've been lobbied intensely on this bill. Do I think maybe this bill needs to have a sunset in a couple of years, maybe offered in Second Reading? I guess I probably wouldn't be opposed to that. I'm going to vote for the Majority Report now to get it to that position because I am convinced that somehow, if the industry wanted to, 930 full-time loggers, Maine residents that have been out of work for a long time, can supply the 180 jobs among them if they want to do it. Yes, it kind of throws a monkey wrench in this little Canadian deal they've got going where they make good money cutting Maine wood, have it subsidized and haul it to Canada, and then cut it up and haul it back in, depressing our markets here, garnishing the Canadian wages that they earned while they work in Maine. That to me is really what's driving this. This is why you're getting all the e-mails from Quebec. This is a Canadian deal that the Canadians don't want us messing with. Is this bill perfect? In my opinion, no, but I think there's enough merit here, so we need to move this bill along in the process. That's why I'm voting for the Majority Ought to Pass report. Thank you.

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

Senator BARTLETT: Thank you, Madame President. Ladies and gentlemen of the Senate, much has been said about the risks or the uncertainties of passing this bill and the potential impact it could have during this difficult economic time. There's no question that we are in midst of a very severe recession. In fact, we know that we have thousands of workers across this state desperately looking for work. In northern Maine we have over 900 loggers from Maine who desperately want to find employment. At the same time, we know that Canadian workers are being brought in. It's not simply that they're being brought in to work under fair terms, but it appears that they have been given preferential treatment, as you've heard from the Senator from Aroostook. That they are being given special advantages so that they are being favored over Maine people who'd like to compete for those same jobs. We are in the midst of a recession and we have an obligation to put as many Maine people back to work as possible and this is one way of doing it. This bill doesn't bar Canadian workers from coming in, it doesn't bar these companies from using those workers, but it does say that we're not going to put tax dollars of Maine people into that effort. If you choose to go that route, you simply are not going to get a special favored tax treatment from the State of Maine. Maybe they can get one from the Canadian government since those are the workers that they're hiring. Our tax dollars should not be used to fund that effort. All we're asking is for a level playing field and for Maine workers to have the same opportunity to compete. That's what this bill is about and I hope you'll support it.

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

Senator SHERMAN: Thank you, Madame President. Ladies and gentlemen of the Senate, I've been listening to the dilemma we're in and it's workers against workers in a sense, slicing through high-tech companies. I'm going to vote in opposition to this bill and I don't like doing that because for probably 25 or 30 years we've been fighting with the Canadians and this is all piecemeal stuff. When I first came down here, and I've told this story a number of times so if someone wants to repeat it they can certainly do that, Steve Stanley and I of the rural caucus, wrote to every border state there is. We asked what was happening with the Canadians, and we also wrote to states along the Mexican border. What we found was that there are troubles in some sense from here to Washington state, and we devised something called the Maine-Canadian ombudsman, poorly worded, to have some united front with our Canadian neighbors, some of my relatives across there, to deal with below NAFTA but somewhat face-to-face. We got a bill through with the help of Representative Pingree, who at the time was on Appropriations, and that position was in the Governor's Office and Governor King saw not to take advantage of that. He thought he could do wonderful things himself, I guess. In my mind, if we do this piecemeal, we're not going to get anywhere. How we do that is to somehow get government to government, and someone can talk about these issues 52 weeks a year, have a couple of weeks off, and deal across the border. Out of those letters that we sent to the various states, we got a few states where they said they were doing all right. Pennsylvania was one of them who said they were

doing all right with the Canadians. Then I was watching C-SPAN one night and the two senators from Pennsylvania were talking about the issues they have with their Canadian friends across the border. You look at Michigan, and Detroit is now disappearing because of auto problems. A lot of cars, the parts are produced in Canada or vice versa, and come to the United States to be put together and sold. In Washington state, I may have this wrong, they had seven or eight people working full-time with Canadians and there was probably a big phone bill somewhere a few years ago. I asked them what they did and they said that they fought with the Canadians over potatoes and oats, and they also said they fought with the Japanese over apples and a number of other things. This is a problem. Those of us on the border see it on a regular basis. You guys have it, but it's invisible to you. This piecemeal deal should be at a different level and I can give you chapter and verse where the Canadians won't let us work across the border. I can tell you stories, some of them funny and sometimes sad, on the agriculture side, that sprays are cheaper across the border, especially when the Canadian dollar was 75 cents, but you couldn't bring those into the United States because the numbers weren't the same even though the ingredients were the same, that's a farmer issue. The farmers then tried to take advantage of the dollar when trying to buy grading equipment for potatoes, and somehow they couldn't buy it new. I hope I don't get anyone in trouble up there in Aroostook county, if you happen to be listening, but they had a farmer friend in Canada buy it so it became second-hand equipment and you could bring it across the border as second-hand equipment from Prince Edward Island, 200 miles due east, to Houlton, Maine. Just two hundred miles. We had a representative by the name of Edgar Wheeler, who has now passed on, bless his heart, when he got done here he went back Bridgewater and became a truck broker. I'd go in and I'd drink his coffee and eat his donuts, and he'd say, 'you've got to do something about Canadian truckers.' Maybe he's doing that now, I'm not sure. What they were doing at the time, be it myth or reality, they would subsidize the Canadian trailer trucks until they hit the border at Houlton so that when they went down Interstate 95, they're on equal footing. Those are the days when they would go to Boston markets and sell the potatoes for American dollars and take it back to Canada and it became \$1.25 to \$1.50. That's no longer the case because the money is about the same. I wish that when I hear some of these conversations that we'd had some sort of ombudsman, that's a lousy word for it if you'll pardon the language. We should be dealing with these issues in a mega way, not a minor way. I'm not sure where we could go with that. I think if the Canadian ombudsman was still there and we tried to get the good Chief Executive with Representative Crosthwaite a couple of years ago when he was here, who spoke French and English to a whole group of people in New Brunswick and actually helped the Governor do a tour across there. With some sorrow, I don't think this will fix it, but for those of you who may be back, somehow we need to handle cross border trade. I'll end with this. I was at a national conference probably six years ago now, and ran across a lady by the name of Sanchez from New Mexico. They had the same issue and they put in for a Mexican/American trade person, and the Governor vetoed it. It's not just here, it's along the border of the United States and Canada, the United States and Mexico, and we don't seem to be able to get it right in terms of fairness. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Gooley. Having spoken twice requests

permission to speak a third time. Hearing no objection, the Senator may proceed.

Senator **GOOLEY:** Thank you, Madame President. Ladies and gentlemen of the Senate, just quickly, reference has been made to the Tree Growth Tax Law, and it sounded like it's preferential treatment for those landowners who are under the Tree Growth Tax Law, like a tax break. Well, that's a misperception. Actually the Tree Growth Tax Law, back in 1972 when it came into being, there were a lot of municipalities that were taxing land for its highest and best use for subdivision. Some people wanted to grow trees, so current use came in. That's what the Tree Growth Tax Law is all about. It's growing trees, it's current use. You might think growing trees is a lucrative business, but it really isn't. The average woodland in Maine returns 2% to 3% on investment, so it's not that much. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Jackson to Accept the Majority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#356)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFISKY, GOODALL, HOBBS, JACKSON, MARRACHE, NUTTING, PERRY, SCHNEIDER, SIMPSON, SULLIVAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: COURTNEY, DAVIS, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, RECTOR, SHERMAN, SMITH, TRAHAN, WESTON

EXCUSED: Senator: ROSEN

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **JACKSON** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-738) **READ** and **ADOPTED**, in concurrence.

House Amendment "B" (H-779) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (3/18/10) Assigned matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Support Collection and Proper Disposal of Unwanted Drugs"

H.P. 557 L.D. 821

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-625)** (8 members)

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

Tabled - March 18, 2010, by Senator **BRANNIGAN** of Cumberland

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

(In House, March 17, 2010, 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-625)**.)

(In Senate, March 18, 2010, Reports **READ**.)

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/23/10) Assigned matter:

Emergency

An Act To Clarify the Construction Subcontractor Status of the Maine Workers' Compensation Act of 1992

H.P. 1299 L.D. 1815

Tabled - March 23, 2010, by Senator **BARTLETT** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, March 18, 2010, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, March 22, 2010, **PASSED TO BE ENACTED**.)

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

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President. Men and women of the Senate, is this an Emergency? I thought it was.

THE PRESIDENT: The Chair would answer in the affirmative.

Senator **MILLS:** Thank you, Madame President. Are we on Enactment?

THE PRESIDENT: The pending question before the Senate is Enactment, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#357)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, CRAVEN, DAMON, DAVIS, DIAMOND, GERZOFSKY, GOODALL, GOOLEY, HASTINGS, HOBBS, JACKSON, MARRACHE, MCCORMICK, MILLS, NASS, NUTTING, PERRY, PLOWMAN, RAYE, RECTOR, SCHNEIDER, SHERMAN, SIMPSON, SMITH, SULLIVAN, TRAHAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: None

EXCUSED: Senator: ROSEN

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

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (3/16/10) Assigned matter:

SENATE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Clarify and Amend Laws Pertaining to Licenses Issued by the Department of Inland Fisheries and Wildlife"

S.P. 616 L.D. 1651

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-407)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-408)** (5 members)

Tabled - March 16, 2010, by Senator **BRYANT** of Oxford

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-407)** Report

(In Senate, March 16, 2010, Reports **READ**.)

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

Senate at Ease.

Senate called to order by the President.

On motion by Senator **BRYANT** of Oxford, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-407)** Report. (Roll Call Ordered)

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (3/17/10) Assigned matter:

Resolve, To Increase Transparency and Accountability and Assess the Impact of Tax Expenditure Programs
H.P. 1195 L.D. 1694

Tabled - March 17, 2010, by Senator **BARTLETT** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 9, 2010, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, March 16, 2010, **FINALLY PASSED**.)

On motion by Senator **PERRY** of Penobscot, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-474) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-474), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/18/10) Assigned matter:

HOUSE REPORT - from the Committee on **TAXATION**, pursuant to Public Law 2009, chapter 213, Part TTT, section 9, on Resolve, To Review Sales of Dairy Products

H.P. 1249 L.D. 1755

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-716)**

Tabled - March 18, 2010, by Senator **MARRACHÉ** of Kennebec

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

(In House, March 17, 2010, Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-716)**.)

(In Senate, March 18, 2010, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-716) **READ**.

On motion by Senator **PERRY** of Penobscot, Senate Amendment "A" (S-468) to Committee Amendment "A" (H-716) **READ**.

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

Senator **COURTNEY:** Thank you, Madame President. Men and women of the Senate, would the good Senator from Penobscot please explain the Amendment?

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

Senator **PERRY:** Thank you, Madame President. Men and women of the Senate, I may have been confused by the script, but I do know what this does. It just strips the report back of a bill and substitutes it with a report back. Thank you.

On motion by Senator **PERRY** of Penobscot, Senate Amendment "A" (S-468) to Committee Amendment "A" (H-716) **ADOPTED**.

Committee Amendment "A" (H-716) as Amended by Senate Amendment "A" (S-468) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (3/22/10) Assigned matter:

HOUSE REPORT - from the Committee on **JUDICIARY**, pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G, on Bill "An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Records of Public Proceedings"

H.P. 1279 L.D. 1791

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-734)**

Tabled - March 22, 2010, by Senator **BARTLETT** of Cumberland

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

(In House, March 18, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-734).**)

(In Senate, March 22, 2010, Report **READ.**)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-734) **READ.**

On motion by Senator **BLISS** of Cumberland, Senate Amendment "A" (S-476) to Committee Amendment "A" (H-734) **READ.**

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Bliss

Senator **BLISS:** Thank you, Madame President. Men and women of the Senate, this is another in that long line of amendments that take the authority of the next legislature away and makes them figure out how to introduce their own legislation, rather than having us tell them what legislation they should introduce. Thank you, Madame President.

On motion by Senator **BLISS** of Cumberland, Senate Amendment "A" (S-476) to Committee Amendment "A" (H-734) **ADOPTED.**

Committee Amendment "A" (H-734) as Amended by Senate Amendment "A" (S-476) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (3/24/10) Assigned matter:

Resolve, To Continue Evaluating Climate Change Adaptation Options for the State

S.P. 733 L.D. 1818

Tabled - March 24, 2010, by Senator **SIMPSON** of Androscoggin

Pending - **FURTHER CONSIDERATION**

(In Senate, March 17, 2010, **PASSED TO BE ENGROSSED.**)

(In House, March 23, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-765)**, in **NON-CONCURRENCE.**)

On motion by Senator **GOODALL** of Sagadahoc, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED.**

House Amendment "A" (H-765) **READ.**

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending **ADOPTION** of House Amendment "A" (H-765), in concurrence.

Senate at Ease.

Senate called to order by the President.

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

Resolve, To Continue Evaluating Climate Change Adaptation Options for the State

S.P. 733 L.D. 1818

Tabled - March 24, 2010, by Senator **GOODALL** of Sagadahoc

Pending - **ADOPTION OF HOUSE AMENDMENT "A" (H-765)**, in concurrence

(In House, March 23, 2010, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-765)**, in **NON-CONCURRENCE.**)

(In Senate, March 25, 2010, on motion by Senator **GOODALL** of Sagadahoc, **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED.** House Amendment "A" (H-765) **READ.**)

On motion by Senator **GOODALL** of Sagadahoc, House Amendment "A" (H-765) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

On further motion by same Senator, Senate Amendment "A" (S-467) **READ.**

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

Senator **GOODALL**: Thank you, Madame President. This is another one of those amendments that is stripping the date and the ability to report out legislation in the 125th dealing with the climate adaptation proposal which is directing the Department of Environmental Protection to continue its work.

On motion by Senator **GOODALL** of Sagadahoc, Senate Amendment "A" (S-467) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-467), in NON-CONCURRENCE.

Sent down for concurrence.

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

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

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

On motion by Senator **BARTLETT** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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 Amend the Standards by Which Game Wardens May Stop All-terrain Vehicles when Operating on Private Property"

H.P. 1080 L.D. 1536

Majority - **Ought to Pass** (7 members)

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

Tabled - March 25, 2010, by Senator **BRYANT** of Oxford

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

(In House, March 24, 2010, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-759).**)

(In Senate, March 25, 2010, Reports **READ**.)

On motion by Senator **RAYE** of Washington, 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 (#358)

YEAS: Senators: **ALFOND, BARTLETT, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAVIS, GERZOFKY, GOODALL, HOBBS, JACKSON, MARRACHE, MILLS, PERRY, RAYE, SCHNEIDER, SHERMAN, SULLIVAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL**

NAYS: Senators: **BLISS, COURTNEY, DAMON, DIAMOND, GOOLEY, HASTINGS, MCCORMICK, NASS, NUTTING, RECTOR, SIMPSON, SMITH, TRAHAN**

ABSENT: Senator: **PLOWMAN**

EXCUSED: Senator: **ROSEN**

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **BRYANT** of Oxford moved to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED**.

Ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Create a Saltwater Recreational Fishing Registry" S.P. 516 L.D. 1432

Reported that the same **Ought to Pass as Amended by Committee Amendment "C" (S-464).**

Signed:

Senators:

DAMON of Hancock
SULLIVAN of York
RECTOR of Knox

Representatives:

KRUGER of Thomaston
MacDONALD of Boothbay
PENDLETON of Scarborough
WEAVER of York
PERCY of Phippsburg
EATON of Sullivan
ADAMS of Portland

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

Signed:

Representatives:

McKANE of Newcastle
PRESCOTT of Topsham
TILTON of Harrington

Reports **READ**.

Senator **DAMON** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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

Senator **TRAHAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, it isn't often in one's political career that he or she can point to a specific moment and say, 'With this vote I block the taking of a freedom.' Today is that day for me. Make no mistake, if we vote to pass L.D. 1432, even in the amended form, we will take away a freedom and right to fish the ocean that has existed from the founding of the State of Maine, and for money. Proponents say we must pass the state license or the federal government will charge \$15 to \$25 for the federal registry and all the money will go into the federal treasury. This statement leaves out several critical points. The \$15 to \$25 estimate is just that, an estimate. According to the National Oceanic and Atmospheric Administrations words on their website, 'the proposed rule included a conservatively high estimate of the annual fee based on the current estimate of the annual fee.' NOAA further states, 'a registry fee also establishes an incentive for states to take necessary action to be designated as exempted states.' In layman's terms, NOAA jacked up the estimated costs to extort states into adopting saltwater licenses. According to NOAA spokesman Gordon Colvin, in his testimony before the Marine Resources Committee this session, the \$15 to \$25 estimate could be much lower, and early this fall NOAA will have an actual fee established. This fee, according to NOAA rules, can only reflect the cost of administering the registry and cannot

include money for enforcement or conservation. NOAA can only establish a fee to cover the actual cost of collecting data on who is fishing in Maine. NOAA officials have made it very clear that the only purpose for the federal registry was to collect better data and replace a failed phone survey system that was both random and inefficient. That data included contact information like name, address and phone number. If a state wanted to be exempt from the new requirements, they could adopt an equivalent registry or license. Supporters of a license seized on this piece of the federal registry to expand beyond the minimum requirements for basic information and to create a full-blown state license. It is important to note that whether a state adopts a license of its own or not, NOAA will pay for all fisherman surveys, regardless of whether the data is collected by them or the state. Members of the Senate, the only money staying in Maine under an equivalent state registry or license is money to run the data collection process. If a state goes beyond what is required, as this bill does, even though it has already established, paid for, and is running this data collection process, there is no need for us to do it at this time. There is no deadline for states to create a registry or a license. Early this fall we will know what the charge is. If the fee is too high, Maine can act in January of next year. Proponents of the license claim that Maine's marine patrol will have to enforce the federal registry, taking precious resources from commercial fishermen. This statement is false. According to Gordon Colvin, our marine patrol will not have to enforce the registry. Instead, NOAA has other options, including the Coast Guard. Furthermore, NOAA could increase funding to our marine patrol for this purpose through a mutual enforcement they negotiate periodically, but by no means can they force us to do so. Finally, proponents claim that saltwater fishermen, whether targeting anadromous stripers, smelts, etc., or non-anadromous fish such as mackerel or bluefish, must register to fish in saltwater. This claim is absolutely unfounded in statute or rules. In NOAA's own words in the comment section of the rules process clarifying this point, I quote NOAA's own words, 'National Marine Fishery Service cannot require all anglers fishing in state waters to register.' Forbes Darby, chair of NOAA's communications and education committee inadvertently revealed this point in an e-mail dated February 22, 2010, 'if you're fishing exclusively for mackerel in state waters, then you wouldn't need to register.' Proponents of a license, including Gordon Colvin from NOAA, were quick to pounce on Forbes Darby as his e-mail severely weakened the fed's position. In anticipation of this retraction, we obtained this statement from veteran NOAA fisheries special agent, Christian J. Shopmeyer, dated after the retraction, 'for further clarification, given the fact that you are exclusively targeting Atlantic mackerel in state waters, according to the requirements of the federal Saltwater Angler Registry Program, you wouldn't need to register.' I will let you decide who's telling the truth, lifelong bureaucrats tasked with pressuring states to comply with the new mandate or a high-level, experienced enforcement officer for NOAA. Defeating L.D. 1432 and going with the federal registry means tens of thousands of people targeting non-anadromous fish will continue to fish for free. More importantly, we'll have made it clear that we are not ceding authority over our three mile sovereign waters, to a federal bureaucracy. Last year I sponsored L.D. 1432, a no-charge piece of legislation, with an Ought to Pass vote from the Marine Resources Committee. At that time, L.D. 1432 was a pure, no-charge registry. That is no longer the case. Supporters of a state saltwater license turned that bill completely on its head and

replaced it with what is in front of you today. It is truly sad the lengths supporters have gone to establish the precedent of a paid saltwater license. The amendment before you now is an enforcement and policy nightmare. There are countless exemptions and different fees, all in an attempt to secure enough votes for its passage. Unfortunately, what is lost is fairness. Any license should be fair and distribute the burden of cost across all user groups. The reason L.D. 1432 is a mess is because the clear majority of Maine people do not want a license and that opposition is reflected through their elected representatives and senators. That's exactly how our system is supposed to work. Exactly how our system is suppose to work. No candy-coated version of this license that charges will change that fact.

The new amendment still charges a fee to fish for the vast majority of fishermen, and establishes a license sales structure as well as a \$100 fine for not possessing a license. L.D. 1432 also funds 13 positions, including enforcement and conservation programs. Ten of the DMR positions are current positions in the Kennebec Hydro Developers Group agreement to restore an anadromous fish passage after the removal of the Edwards Dam. That one-time funding through a late-1980s agreement is scheduled to run out in 2012. Marine Resources officials did not reveal this key point until the fiscal note on this bill was finally printed. It is not clear how funding the current positions help recreational fishermen statewide. The positions fund fish restoration on the Kennebec and Sabasticook Rivers. Has anyone evaluated how well this program has performed? Has it met its intended benchmarks, or has it merely spent the money? The other three positions include one full-time and two part-time marine patrol officers. The positions already exist. The only difference in future enforcement at DMR is that they will be funded through revenue from this bill. It is important to note that when Massachusetts established a full-blown license, they hired no new enforcement. Has anyone considered the fact that the Marine Resources Department and the committee that oversees it was created to serve the commercial fishing industry? In creating a recreational fishing program within that agency, it is a duplication of services now being provided by Inland Fisheries. Do we really need new biologists? Licensing and enforcement? Shouldn't we first examine how to restructure the duplication in services with these two agencies before funding the 13 employees?

L.D. 1432 is stunningly poor policy in several ways. This new saltwater license, unlike a freshwater license, exempts guides and their passengers from paying the license fee. Imagine if freshwater fisherman or hunting guides and their clients were exempt from buying a license. The cries from the sportsmen would be deafening. L.D. 1432 also exempts commercial smelt operations and their customers. Under 1432's original draft, a no-charge registration system that collected contact information was established. Such an exemption is appropriate because an alternate reporting system is created and there was no charge. This bill collects a fee for conservation, administration, and enforcement. It further establishes that it's a violation of law to fish without a license. Commercial guides and smelt operations place the greatest pressure on the resource. Some smelt operations have hundreds of shacks with around-the-clock shifts, changing fishermen every six hours. In contrast, a Maine resident who fishes even once a year will shoulder the burden of buying a license and funding the entire licensing system. The cost of a license in L.D. 1432 was originally \$15 for residents. Supporters of the bill in committee could not get support for the higher charge

and reduced it to \$5, and now even less. Does anyone here believe it will remain at this rate? Let us be honest, the bill before us is just a foot in the door and in the very near future, the cost of the license will be much higher. If the real reason to impose the license was to improve conservation, then this proposal before us fails miserably. Let the feds have their unpopular mandate. What we need to do as legislators is to fight for the people who elected us. The people of Maine do not want this license, and we should listen to them. Thank you.

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

Senator **DAMON:** Thank you, Madame President. Ladies and gentlemen of the Senate, when I initially rose to move L.D. 1432, the Majority Report, I failed to mention that I would have liked to have spoken at nauseam to my Amendment, so may I do that now?

THE PRESIDENT: The Senator may proceed.

Senator **DAMON:** Thank you, Madame President. Ladies and gentlemen of the Senate, L.D. 1432 comes to you as a very strong bipartisan report from the Committee on Marine Resources. It comes to you after exhausting discussion within that Committee. Discussion that has lasted more than just this session of this Legislature. Indeed, there were two bills that came before the Committee in the First Session of this Legislature. They were so difficult that we carried them over so that we could continue to have this informed debate. I think I should go on record now as saying that I, too, along with my fellow Senator from Lincoln, oppose federal mandates. You have heard me stand to oppose federal mandates on numerous occasions in this Chamber. I won't go back and list them, but in many of those instances, if not all of them, failed to convince my colleagues that we should resist the federal government in many of those things. I do think that they have intruded upon our freedoms, on our privacies, as individuals. I do see this as another intrusion. I have lived in this state in excess of *cough* years and have grown up on the coast as a child of fishermen, a grandchild of fishermen, and a great-grandchild of fishermen. I have indeed plied that trade myself. Some of my most fond moments were going down to the harbor and fishing off the dock, or taking an unattended punt and rowing out into the harbor and catching some flounder that I could bring home for supper. Going out and catching mackerel when they were running, for the same purpose. Going down to the cove in front of my house to dig a mess of clams, again for supper. All those have been eroded by one means or another by changes in our environment, in the ecology, or by practices that depleted the stocks to a point where not only can't I do it, but my son can't do it, and my grandchildren, should I be blessed with them, would be unable to do it, too. We have to manage our fisheries. The fishing stories that my father would tell me as a youth as he sat on the edge of my bed, would always end with him saying, 'but Dennis, those were the days of wooden boats and iron men, and today, sadly, we have iron boats and wooden men.' What he was saying to me then is that we have technologies that, if we're left to our own greed and our own devices, will allow us to catch the last fish. I know that you might not think that's possible, but I'll tell you that I fear for it.

This bill is an attempt to identify data for managing those stocks at the federal level, those fish that travel along our entire

coastline, not simply into the Gulf of Maine, nor simply into Maine waters, but along our entire coastline. We need to gather the data to develop those management practices so that we will continue to have fish. This bill, as controversial as it has been, and as irksome as it is, is supported by a very large number of organizations and individuals in this state, even as onerous as it is. I'll list a few. The Maine Lobstermen's Association is supportive of this bill. The Midcoast Fishermen's Association, and the Alewife Harvesters of Maine are supportive of this bill, as are the Maine Clammers Association, the Coastal Conservation Association, the Maine Association of Charterboat Captains, the Nature Conservancy in Maine, the Natural Resources Council of Maine, the Atlantic Salmon Federation, and Maine Rivers, to name but a few. Do they come to this support lightly? No, I say they don't. Do they come to this support because they can see that it is a necessary way to manage our fish? To that, I would say for them, that yes they do. The licensing fees we are imposing are, just as recently as yesterday, changed so that we could accommodate the concerns of many of the people in this Chamber, in the Other Body and people who have talked with us from around the state. So that we could address those concerns many of those changes were put into this new Committee Amendment. The Committee Amendment got a stronger report from our Committee than did the previous one. What does this bill do? Anyone in Maine, whether they are a resident or a non-resident, who wishes to fish in the saltwater recreationally, will be able to register for free. People wanted that. By the way, anyone in Maine, a resident or non-resident, who wishes to fish in that same saltwater commercially, buys a license now. The bill says that only individuals who are fishing for or catching striped bass, one of those anadromous fish that we're trying to get data about, only those people targeting that fish must pay a fee. That fee, if they happen to be a Maine resident, is the whopping total of \$5. That same Maine resident, if they want to fish for a pickerel in some freshwater pond, will pay \$27.50. Operators of commercial businesses, whether they be head boats, sometimes referred to as deep sea fishing boats, or charter boats, often those smaller vessels that ply the coast and many of the rivers, often in search of striped bass, or smelt camps, those commercial businesses will pay a \$50 annual fee. That's an increase from the earlier proposal. Their clients, those people that pay them to come and fish in those locations, they will be exempt from registering and paying a fee because the commercial operator will provide the information that is required and necessary to meet the federal requirements. One of the comments I heard was, 'what about the grandfather who wants to take his grandson or granddaughter down to the shore and just cast the line out for a few mackerel? Why should they have to pay \$5 to do that?' They don't. It's free. Problem solved. If they want to go for striped bass though, it's \$5. Maine will have successfully provided for an inexpensive option to the federal registry, which in almost every scenario, is going to cost somewhere between \$15 and \$25. There was a question as to whether or not the federal government could actually do this, or were going to really do it, or were they just threatening to do it? I want to share with you a correspondence that has come from Michael Conathan. Michael works for one of our congressional delegation, the good Senator from Maine, Senator Snowe. In answer to a query that came his way, he replied thus just yesterday. 'I sat down yesterday with Russell Dunn, the newly appointed National Policy Advisor for Recreational Fisheries. I asked him directly what the plans were for implementation of the National Recreational Fish Registry as

of January 1, 2011, and in no uncertain terms he stated that the registry would be implemented beginning on that date, that fees would be charged, and enforcement actions would take place. He did not specify what means would be used, but the intention is certainly there.' Michael goes on to say, 'I have absolutely no reason to believe from any of the conversations I've had with anyone at NOAA that they have any intention of soft peddling this requirement. If Maine wants to wait, so be it. But if they do, Mainers will be paying a federal fee in 2011. Any other questions, let me know.' Signed, Mr. Conathan. That federal fee, in addition to sending the money to Washington, which may or may not be objectionable to some, also allows any other person in any other state, who has purchased and are holding a saltwater fishing license from that state, for instance Massachusetts, Virginia, North Carolina or Florida, because the federal government would have taken over our responsibility, could come to Maine and fish for free. They already bought their license, but because of the federal mandate, we will be paying to fish in our waters. I want to go through, if I might, the states on the east coast and see what they charge for their residents and what they charge for their non-residents. Maine, under this action, would charge zero for residents and zero for non-residents unless they're targeting striped bass. We're compared to neighboring New Hampshire all the time, it's so much cheaper there. If you happen to be a New Hampshire resident, you'll pay \$15 to fish on their coast, that little 13 mile section that they have. If you're a non-resident you can also fish there for \$15. In Massachusetts, it's \$10 and \$10. Rhode Island is getting close to us at \$7 for residents and \$10 for non-residents. Move a little bit to the west and Connecticut and you'll pay \$30 to fish in their waters if you're a resident of Connecticut, and if you're not, you'll pay \$60. In New York, it's \$10 and \$15. In New Jersey, they've matched us, it's zero and zero. In Delaware, it's \$8.50 for residents and \$20 for non-residents. In Maryland, it's \$15 and \$15. In Virginia, it's \$12.50 and \$48. In North Carolina, it's \$15 and \$30. In South Carolina, it's \$10 and \$35. In Georgia, it's \$9 for residents and \$45 for non-residents. In Florida, it's \$17 and \$47. I'll say that I agree with the good Senator from Lincoln that it is an imposition and it's one that I would in theory oppose. I also know enough, having served and continuing to serve on the Atlantic States Marine Fisheries Commission, which is a federal fisheries management board, representing this Legislature, you and our colleagues at the other end of the hall, that I know the importance of having scientific data, reliable data, when we make decisions for recreational fishermen and commercial fishermen. That's why this registry is important and that's why we have worked so hard in the Marine Resources Committee to try and come up with a bill that will satisfy as many needs as we can. It's been characterized as a way to get it passed, and maybe it is. I'm looking at it as a way to accommodate the many interests that we've heard and the many concerns that we have received. With that, Madame President, I really would encourage the Body to support the pending motion. Thank you for your indulgence.

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

Senator **SCHNEIDER:** Thank you, Madame President. Men and women of the Senate, I first appreciate what my colleague has done to work on this because clearly this has had significant change from the beginning of this discussion as far as the fees are concerned. From the beginning when I first heard about this

particular piece of legislation and the federal requirement, I really believed that the only way that we could send a message to the federal government that we object to their continuation of stripping away our freedoms and our rights, would be to completely oppose this piece of legislation. I'm still at that point. I oppose it because I think that when we roll over and we allow them to impose these kinds of things and do what they require us to do under duress, we send a message that we agree with it. I don't agree with imposing fees on people of the State of Maine for this particular initiative. The only way I could support anything like this would be if everything was a zero. I know we've gotten quite close to that at this point, but there is a \$5 fee in there. I would like us to wait and see what the federal government does. However, if we were able to achieve a completely zero cost to the people of the State of Maine, I would be agreeable only in that I don't want to see us in a posture where people would end up paying more to the federal government later on. I appreciate the work of this Committee. I know it's been a struggle. I still am not there as far as what has been presented, but perhaps we can get there. Maybe we can get to a place where there is an amendment that would offer completely zero across-the-board for everything with just a registry. I'm hoping that perhaps that's maybe where we can get to. With that, I appreciate your time.

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

Senator **JACKSON:** Thank you, Madame President. Ladies and gentlemen of the Senate, I have heard a lot about stripping away rights and people losing rights, and I think I know somewhat about that from an earlier debate today. When I heard about this, I thought about the issue somewhat. I have to confess that it's not a burning thing in my district, but I did understand the fact that people are going to have to start paying for something that they never have had to before. That concerns me to some degree and I actually made the mistake of telling people that I would not vote for legislation like that. I was in the hall not too many weeks ago and a lobsterman came up to me and asked me how I felt on this issue. I told him that I was not interested in making people pay a fee for something they never have had to before. He started getting quite adamant about the fact that one body or the other, the state or the feds, was going to charge and quite possibly the state's charge would be lower than the fed's charge. I told him that I understand that but I still am not going to be the one to enforce that or to put it onto the people of the State of Maine. Even if the fed's rate is higher, it will be them that will be putting it on. He looked at me and was upset, angry, and passionate, everything that I think you should be about issues that are affecting you, and stared me right in the face and said, 'why would you take away my ability to come here and advocate for a position that's affecting me and my livelihood to such a degree? Why would you take that away and send it to the feds where I would have no ability to enact any change in things that are affecting me daily?' For me it was just a real reality check. The man standing there was talking about the same problem that I have in the logging industry, but he was having it in the fishing industry. I don't know the gentleman other than that conversation, but he made a believer out of me. When we had this issue earlier this afternoon I talked about how I want to help mills out and all these other industries in Maine, and I'd be somewhat of a liar if I wasn't willing to vote for that tonight. I'm certainly in support of the Majority Ought to Pass Report. While it

doesn't affect me and never will, I certainly understand the issue that at least this one gentleman is going through.

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

Senator **TRAHAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, I also was approached by the same lobsterman and had encounters in the hall and found them to be very passionate on the issue. I thought it was quite odd that they would be so passionate on the issue that didn't affect them. I did a little research to find out why these lobstermen were in our halls. Come to find out, they'd been told that this money will subsidize the restoration of bait for the lobster industry. They do have a reason to be up here, it's going to help them get cheap bait. How's that going to help the recreational fishery? It certainly helps the commercial fishery, but it does nothing to help the recreational fishery. If you said to me, 'Dave, would you be willing to pay for a license if you knew it was going to do something for the resource, if you knew it was going to improve the recreational fishery,' I might have a different outlook on things. To come up here and try to get money out of another user group to subsidize yours is not a fair debate. I don't think it's fair the way it was framed for the lobstermen, like this was somehow their last hope for cheap bait. There are millions of federal dollars available for fish restoration, from grants to stimulus money, to jobs money, to possibly our own state grants and private foundations. There's millions of dollars to help lobstermen, but you don't have to do it by running over the recreational fisherman. I would like to correct the Senator from Penobscot when he was talking about it being free. It's not actually free, you still have to pay the person where you purchase it. There's also a \$15 charge for non-residents if they buy the striper permit, along with the clerk fees, so there are fees there. I believe that the reason folks are so desperate to get this bill passed, is to establish a precedent of a for-fee license, a pay-to-play license. We had an opportunity to do a no-cost registry and that was denied even a debate, and that's unfortunate. But if this bill passes, we will have that debate. One last thing about the issue of all the other states and what they charge for licenses. Imagine the label that we could now put on the State of Maine. Come to Maine and fish for free. We won't charge you \$17 to come to fish stripers, you can come to Maine and fish for free. The second thing, I would be proud to say that the State of Maine leads the nation and stands up against the federal mandate and says, 'Thanks but no thank you.' In Maine we're independent and we don't get rolled over. Thank you, ladies and gentlemen.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Damon to Accept the Majority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#359)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFKY, GOODALL, HOBBS, JACKSON, MARRACHE, MILLS, NUTTING, PERRY, RECTOR, SIMPSON, SULLIVAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: COURTNEY, DAVIS, GOOLEY, HASTINGS, MCCORMICK, NASS, PLOWMAN, RAYE, SCHNEIDER, SHERMAN, SMITH, TRAHAN, WESTON

EXCUSED: Senator: ROSEN

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **DAMON** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "C" (H-464) **READ**.

On motion by Senator **BRYANT** of Oxford, Senate Amendment "C" (S-479) to Committee Amendment "C" (H-464) **READ**.

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

Senator **BRYANT:** Thank you, Madame President. Ladies and gentlemen of the Senate, just to not prolong the agony of this long debate that's been going on for a couple of years. Over the last year-and-a-half I've tried to find a way because we have the understanding that the feds will implement something and you will pay and that money will go to the feds. There are a number of things that I felt we should do because they make common sense, they're available to us, and we have the technology and the systems in place to do that. Over the last few days we have been negotiating. What this bill does is allow people that buy a current fishing license through the MOSES system to have a box or another place where they can identify that they had saltwater fished last year and do they plan to this coming year, and check that box. That information will then be sent to NOAA and that will qualify them for the federal program and they will be exempt from licenses and they'll be able to fish in the saltwater. That's in a nutshell what this does for Maine residents. This will also allow the \$15 fee for non-residents to go forward with the Department. In a nutshell, I've been opposed to increasing fees on the same user group over and over again. What we have been trying to do throughout all the natural resources agencies, is build a base and bring in people to help support the management of the wildlife and the management of the ecosystems so that in fact, you have more people helping pay the bill rather than just going back to the same people over and over and over and increasing their fees. I would have gone a little bit further, but as in any negotiation, if nobody's happy, then you've probably got a pretty good bill. I think that this brings us to a point where I'm not totally happy. We could go a little deeper, but I don't think we can without getting an

agreement. So with that, I would encourage you to continue supporting the bill.

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

Senator **SCHNEIDER:** Thank you, Madame President. Men and women of the Senate, I can understand. I'm not happy a lot, especially with this particular piece of legislation. However, I am pleased to support the amendment because I think it is better than what we have at this point in time. I will be supporting the amendment just because the other option is not nearly as positive in my mind. Thank you.

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

Senator **TRAHAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, may I pose a question?

THE PRESIDENT: The Senator may pose his question.

Senator **TRAHAN:** Thank you, Madame President. I also have an amendment to this bill. If this amendment is adopted, will I still be allowed to offer my amendment if his is adopted?

THE PRESIDENT: The Senator may offer his amendment, but I have no idea what your amendment does or if it's in conflict with this amendment. That will be up to you to decide and the Body to decide. I haven't seen your amendment.

Senator **TRAHAN:** It is on folks' desks.

THE PRESIDENT: Obviously the pending question now is adoption of Senate Amendment "C" to Committee Amendment "C". Then, if that is adopted, the pending question will be Adoption of Committee Amendment "C" as Amended by Senate Amendment "C" thereto.

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

Senator **DAMON:** Thank you, Madame President. Men and women of the Senate, I rise to support the pending amendment. My good colleague says that we're not all happy with it, and I've got to say that I wish that we didn't have it, but I recognize why we do and certainly can live with it. It doesn't make me as happy as a clam at high tide, but it makes me happy nonetheless. I will be supporting the pending motion. Thank you, Madame President.

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

Senator **TRAHAN:** Thank you, Madame President. Men and women of the Senate, I think I just had my question answered. Thank you, Madame President.

On motion by Senator **BRYANT** of Oxford, Senate Amendment "C" (S-479) to Committee Amendment "C" (H-464) **ADOPTED**.

On motion by Senator **TRAHAN** of Lincoln, Senate Amendment "D" (S-482) to Committee Amendment "C" (H-464) **READ**.

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

Senator **TRAHAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, this amendment that's before you is a true no-cost registry. I had hoped that last year I could rise and debate the issues of a no-cost registry, but we didn't have that opportunity. I feel like the people in this chamber and the people of Maine were robbed of a really good opportunity to learn more about this issue. This issue of a federal registry started with one little core nugget, the need for four pieces of information. That's all we ever needed to do, and that was all the federal government ever needed. Now we're poised to create a license. What this amendment would do, ladies and gentlemen, is it would create a no-cost registry for everyone except for an individual who went to a MOSES agent and all they did was purchase the registry. That would be \$1 for the clerk. They could also go on-line through the state MOSES system and do it for free. The reason they would do that for free is because the feds, under my amendment, would pay. Under the amendment, before the registry can begin, it must first be paid for by the federal government. What none of us learned in the debate was that the federal government, NOAA, has \$2.5 million a year available for federal start-up dollars for states to develop registries. I spent two years building this no-cost registry to prove that it could be done and to prove that it could be acceptable to the federal government. I want to read from Gordon Colvin about this amendment that's before you now. 'I've reviewed the updated amendment referenced below,' which is in front of you, 'it is my opinion that if this bill is revised per the attachment,' which it is, 'Maine could qualify for exempted state designation under the National Saltwater Angler Registry Program.' Ladies and gentlemen, we can do this and we don't have to charge for it, and the proof is here today. I asked you to adopt this amendment to allow Maine people to continue to fish for free, allow those people still fishing for mackerel and not for stripers, to not even have to register. For those folks who call this into question whether they have to register, what I plan on doing is when they begin to enforce I'm going to invite a marine patrol officer to join me and my friends on a dock in Friendship. I'm going to take my fishing pole with a mackerel jig, and I'm going to toss it overboard and I'm going to ask him to give me a summons. Then I will go to court and I will prove that they never could have ever enforced anything dealing with non-anadromous species in our three-mile zone. I asked this question of Gordon Colvin of NOAA, what if one of your officers came down to the dock in Friendship and they saw someone fishing for mackerel? Would you give him a summons for not registering? He hemmed and he hawed and he tried to get around the question, and he said 'no.' It was always a ruse. It was always a red herring that we all had to be registered. It certainly helped the fed's position. Ladies and gentlemen, let the record show that you had your opportunity to do a no-cost registry and if we deny it, then I think this is a sad day for the State of Maine's fisheries.

Senator **BRYANT** of Oxford moved to **INDEFINITELY POSTPONE** Senate Amendment "D" (S-482) to Committee Amendment "C" (H-464).

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

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

Senator **SCHNEIDER:** Thank you, Madame President. Men and women of the Senate, I urge you to vote against this motion. This is exactly, at least from my position, this is what we should be adopting. This is what we should have adopted from the get-go. I believe that we don't need to be charging people for this at this point, and I hope that you would agree and that you would go forward with moving against the indefinite postponement of this particular amendment. This is the right thing to do, especially at this time. I don't believe we should start programs and charge the citizens of Maine. It is totally unnecessary at this point in time to do that. I know I'm speaking against many people in my own caucus, but I so believe that this is the right thing to do that I would hope that we would not do this. I do not think this is at all in conflict because I believe it just replaces the bill. Please vote against the pending motion. Thank you.

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

Senator **PERRY:** Thank you, Madame President. Ladies and gentlemen of the Senate, I'm as surprised as you looked to see me rise, that I'm up to speak on this. I really have avoided this issue for some time now, but after hearing of two years' work and seeing the struggle in our caucus and the Senate as a whole, and hearing about this being a sad day here in the State of Maine that we're looking to charge a \$2 service fee or a \$5 license fee for these things. When we look back a year ago and we look forward to the next couple of weeks, the budget we passed, the budget we're about to pass, where we're cutting millions and millions of dollars out of school funding, out of revenue sharing, out of circuit breaker, out of homestead, out of healthcare, 12 shut-down days, cuts to State employees, increased health care costs. I got a call from a constituent who just picked up a third job. A State employee picked up a third job teaching part-time to make up for that lost revenue. She serves in the Coast Guard Reserve, and she needs the money because she has an adult son with mental retardation, and who is also a quadriplegic. At the same time she's taking care of her mother with Alzheimer's. She's losing her day care services. After two years, we're arguing over \$5 or free or a \$2 fee. It's just shocking to me. Thank you.

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

Senator **TRAHAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, I don't even know how to respond to comparing this to cuts to the elderly, but I will say why it's sad for me. When my niece was growing up, once a year she would say, 'uncle, can you take me striper or mackerel fishing?' I'd take her once a year. Some of the fondest memories I have with my niece were leaning over the dock in Friendship, cleaning mackerel and her singing, 'roly-poly fish heads, yum!' That is my fondest memory of my niece. Well you know if she has to pay it's not going to be worth the aggravation. That's the sad day. Those memories for me and my niece and people throughout this state,

are going to be gone. They won't have that experience because what was once free to walk to the shore and do, is no longer free. Not for the \$2 or the \$5, but because there's a law that says you can't do it without a license. That's what's sad. Some of you folks that have been here awhile remember the outdoor access card that we talked about doing. I compare this to the outdoor access card where you would have to pay to go out and use the outdoors. It was a way to broaden the base. When do we say, as a free people and a free country, enough is enough? We're not going to give up every little freedom we have to the government. I know, Madame President, I'm a Senator and a part of the government, but I'm also a free American. I remember what the country was founded on and that was freedom. What do we have left to do? I thank the Representative who then was the Speaker, John Richardson, for his wonderful comments in his office when he said he would take that outdoor access card out of the budget. What shocked me was that it got into the budget. Ladies and gentlemen, we are Senators and we represent people from home. They don't want this. When are we going to stop becoming part of the other branch of government and stop carrying their water? The people we represent are at home. They don't want this. We don't represent the Department of Marine Resources or their need for 13 positions. We represent people. That's why it's a sad day. We're doing this for one purpose, ladies and gentlemen, and that's to fund positions in the Department of Marine Resources. I'm not sad one bit for putting up a fight, it's one reason why I ran for office. I said way back that I wish somebody would speak for me, I wish somebody would say, 'no, stop.' I said I'll just give it a shot, I'll run for office, and I'm here to say, 'stop, it's not going to be easy.' For that, I'm proud.

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

Senator **SCHNEIDER:** Thank you, Madame President. Men and women of the Senate, I'm looking up on the board and it says, 'To create a saltwater recreational fishing registry.' I don't think we need it. My colleague, the Senator from Penobscot, mentioned why does it matter? What's the difference? We're quibbling over a little bit of money here. The difference is very great. One is a registry and a motion was made to indefinitely postpone an amendment that embodies what the bill was originally intended, a registry. I don't think we need to develop a license. I've always been against this. I've been against the registry, but I see that I'm being forced into something because the Body has already accepted the original bill. The first amendment was more palatable to me and this is much more palatable to me. I don't understand why we want to go beyond what is absolutely required of us at this point in time. It's wrong. I would urge you, urge you to vote against the pending motion. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Bryant to Indefinitely Postpone Senate Amendment "D" (S-482) to Committee Amendment "C" (H-464). 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 (#360)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, DIAMOND, GERZOFSKY, GOODALL, HOBBS, JACKSON, MARRACHE, NUTTING, PERRY, SIMPSON, SULLIVAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: COURTNEY, DAVIS, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, RECTOR, SCHNEIDER, SHERMAN, SMITH, TRAHAN, WESTON

EXCUSED: Senator: ROSEN

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BRYANT** of Oxford to **INDEFINITELY POSTPONE** Senate Amendment "D" (S-482) to Committee Amendment "C" (H-464), **PREVAILED**.

Committee Amendment "C" (H-464) as Amended by Senate Amendment "C" (S-479) thereto, **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (3/2/10) Assigned matter:

SENATE REPORTS - from the Committee on **NATURAL RESOURCES** on Bill "An Act To Amend the Site Location of Development Laws To Include Consideration of Greenhouse Gas Emissions"

S.P. 341 L.D. 891

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-386)** (7 members)

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

Tabled - March 2, 2010, by Senator **GOODALL** of Sagadahoc

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

(In Senate, March 2, 2010, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (S-386) **READ**.

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until
Later in Today's Session, pending **ADOPTION** of Committee
Amendment "A" (S-386).

The Chair laid before the Senate the following Tabled and Later
(3/23/10) Assigned matter:

Bill "An Act To Strengthen the Ballot Initiative Process"
S.P. 662 L.D. 1730
(C "A" S-443)

Tabled - March 23, 2010, by Senator **RAYE** of Washington

Pending - **PASSAGE TO BE ENGROSSED**

(In Senate, March 23, 2010, **READ A SECOND TIME**.)

On motion by Senator **COURTNEY** of York, **TABLED** until Later
in Today's Session, pending **PASSAGE TO BE ENGROSSED**.

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

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

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

Off Record Remarks

On motion by Senator **BARTLETT** of Cumberland, **ADJOURNED**
to Friday, March 26, 2010, at 10:00 in the morning.