

MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Eighth Legislature

State of Maine

Daily Edition

First Regular Session
beginning December 7, 2016

beginning at Page 1

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

In Senate Chamber
Thursday
June 29, 2017

Senate called to order by President Pro Tempore Garrett P. Mason of Androscoggin County.

Prayer by Senator Ronald F. Collins of York County.

SENATOR COLLINS: Good morning, ladies and gentlemen. We're finally approaching the final days of session, hopefully, and we're going to get involved in the fine art of compromise. Compromise, in my opinion, is when we come away from discussions with not all that we ask for, but come away with something. I think that's where we are right now. Let us pray.

Dear Lord, give us the strength, the guidance to do the right thing for all Maine people. Amen.

Pledge of Allegiance led by Senator David C. Woodsome of York County.

Reading of the Journal of Wednesday, June 28, 2017.

Off Record Remarks

The Following Communication: S.C. 557

**STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE**

June 28, 2017

Honorable Heather J.R. Priest
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Priest:

In reference to the action of the Senate on June 28, 2017 in which it Insisted and Joined in a Committee of Conference on L.D. 390, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019" (H.P. 281) I am

pleased to appoint the following as conferees on the part of the Senate:

Senator Michael D. Thibodeau of Waldo
Senator Roger J. Katz of Kennebec
Senator Cathy Breen of Cumberland

Please contact my office if you have any questions regarding these appointments.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

Senator **ROSEN** of Hancock requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Legislative Day.

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

COMMUNICATIONS

The Following Communication: H.C. 295

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

June 28, 2017

The Honorable Heather J.R. Priest
Secretary of the Senate
128th Maine Legislature
Augusta, Maine 04333

Dear Secretary Priest:

The Speaker appointed the following conferees to the Second Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019" (EMERGENCY) (H.P. 281)(L.D. 390).

Speaker Sara Gideon of Freeport
Representative Aaron M. Frey of Bangor
Representative Tom J. Winsor of Norway

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: H.C. 297

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

June 28, 2017

The Honorable Heather J.R. Priest
Secretary of the Senate
128th Maine Legislature
Augusta, Maine 04333

Dear Secretary Priest:

House Paper 584, Legislative Document 835, "An Act To Promote Small Diversified Farms and Small Food Producers," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

83 voted in favor and 47 against, with 1 being excused, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and with accompanying papers ORDERED PLACED ON FILE.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Regulate and Tax Sports Fantasy League Activities in Maine"

S.P. 449 L.D. 1320

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-314)** (12 members)

Minority - **Ought Not to Pass** (1 member)

In Senate, June 28, 2017, on motion by Senator **COLLINS** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-314)**.

Comes from the House, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion by Senator **COLLINS** of York, the Senate **INSISTED**.

Ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later Assigned (6/16/17) matter:

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Ensure the Right To Work without Payment of Dues or Fees to a Labor Union as a Condition of Employment" H.P. 52 L.D. 65

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-466)** (6 members)

Tabled - June 16, 2017, by Senator **CUSHING** of Penobscot

Pending - motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE** (Roll Call Ordered)

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

The Chair noted the absence of the Senator from Oxford, Senator **KEIM**, and the Senator from Piscataquis, Senator **DAVIS**, and further excused the same Senators from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#391)

YEAS: Senators: BRAKEY, COLLINS, CUSHING, HAMPER, LANGLEY, MAKER, THIBODEAU, VOLK, WHITTEMORE, PRESIDENT PRO TEMPORE MASON

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CYRWAY, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HILL, JACKSON, KATZ, LIBBY, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, WOODSOME

EXCUSED: Senators: DAVIS, KEIM

10 Senators having voted in the affirmative and 23 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

The President Pro Tempore requested the Sergeant-At-Arms escort the Senator from Waldo, Senator **THIBODEAU**, to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Androscoggin, Senator **MASON**, to his seat on the floor.

The Senate was called to order by the President.

ORDERS

Joint Order

On motion by Senator **MASON** of Androscoggin, the following Joint Order:

S.P. 596

STATE OF MAINE

ORDERED, the House concurring, that, in accordance with emergency authority granted under the Maine Revised Statutes, Title 3, Section 2, the First Regular Session of the 128th Legislature is further extended for up to 5 legislative days.

READ. Pursuant to Maine Revised Statutes, Title 3, Section 2, a Division was had. 33 Members of the Senate having voted in the affirmative, and no Senator having voted in the negative, and 33 being more than two-thirds of those present and voting, the Joint Order was **PASSED**.

Ordered sent down forthwith for concurrence.

The President requested the Sergeant-At-Arms escort the Senator from Androscoggin, Senator **MASON**, to the rostrum where he assumed the duties as President Pro Tempore.

The President retired from the Chamber.

The Senate was called to order by President Pro Tempore **GARRETT P. MASON** of Androscoggin County.

Off Record Remarks

RECESSED until the sound of the bell.

After Recess the Senate was called to order by President Pro Tempore Mason.

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

COMMUNICATIONS

The Following Communication: H.C. 290

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 27, 2017

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 463, "An Act To Improve the Funding of County Jails."

Since 2008, when the Democrats crafted one of the worst laws in the history of our state, the funding for our county jails has been a mess. That law capped county and local spending on jails with the understanding the State would pick up the tab on all spending above that fixed number. The counties therefore had absolutely no incentive to rein in costs of county jails. Ever since this law passed, counties have been on a spending spree at the expense of the state taxpayer.

It has been clear for years now the jail funding system is in desperate need of repair. I have consistently said that whoever operates the jails needs to bear the responsibility for paying for the jails. This bill does not contain that proposed solution.

For this reason, I return LD 463 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Improve the Funding of County Jails
H.P. 329 L.D. 463

Comes from the House with the **VETO OVERRIDDEN**, notwithstanding the objections of the Governor.

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

The President Pro Tempore laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2 of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of overriding the veto of the Governor. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#392)

YEAS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CARSON, CHENETTE, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HAMPER, HILL, JACKSON, KATZ, KEIM, LANGLEY, LIBBY, MAKER, MILLETT, MIRAMANT, ROSEN, SAVIELLO, THIBODEAU, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE MASON

NAYS: Senators: None

EXCUSED: Senator: CHIPMAN

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being excused, and 34 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

ENACTORS

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

Emergency Measure

An Act To Fund the Agreement with Executive Branch Employees
H.P. 1135 L.D. 1644

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

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (6/21/17) matter:

Bill "An Act To Encourage Development in the Logging Industry by Requiring State and Local Government Agencies To Give Preference to Lumber and Solid Wood Products Harvested in the State"

S.P. 551 L.D. 1573

Tabled - June 21, 2017, by Senator **MASON** of Androscoggin

Pending - FURTHER CONSIDERATION

(In Senate, June 14, 2017, on motion by Senator **DAVIS** of Piscataquis, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-269).**)

(In House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-269) AS AMENDED BY HOUSE AMENDMENT "B" (H-520)** thereto in **NON-CONCURRENCE**.)

Senator **DAVIS** of Piscataquis moved the Senate **RECEDE**.

Senate at Ease.

The Senate was called to order by
President Pro Tempore Mason.

On motion by Senator **DAVIS** of Piscataquis, the Senate **RECEDED**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-269)**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-269).

On further motion by same Senator, Senate Amendment "A" (S-307) to Committee Amendment "A" (S-269) **READ**.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this amendment merely removes the private land portion of this bill. Thank you.

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

THE PRESIDENT PRO TEMPORE: The Senator may proceed.

Senator **JACKSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, for a long time I worked as a logger in the woods. There was a period that I actually owned equipment, but for most of the time, if not all the time, that I've actually served in the Legislature I've been just a hourly employee and because of that, you know, in the past some of these issues that I've certainly brought forward I've been concerned about, if it made sense that I was able to vote for them and fight for them. Thinking it through, most of these issues have come down squarely if you're a large landowner that's getting Tree Growth or if you're a business, you're a contractor that's cutting wood, and I've long since been a contractor and I've never been a large landowner. I'm only an hourly employee and I haven't even gotten that for the last three or four years, so I feel pretty good that on this issue I can stand before you and vote on it and fight for it because I don't believe I have anything that's going to say that I have ulterior motives or able to profit from it. I'm just a working person that hasn't actually done it for a long time. But yesterday it was talked about on the ranked-choice voting that,

you know, we actually had the Civil War that dealt with voting and stuff like that, or almost had a Civil War. I would say that on this same issue today we've almost had wars in the state. Bloodless Aroostook War was something that was, came about, because Canada was cutting our wood, taking it to Canada. As a matter of fact, one of the communities I represent, Fort Kent, there's actually a lodge that was built there, a fort, specifically because the Canadians were driving wood down the St. John River by there and that was why the fort was built. So this has been going on for a long, long time in this state and something that I think is really - never really had an ending that made it so that people in the state had the best benefit. So, you know, I represent the community that's squarely a logging community. Like I said, I haven't done it for three or four years now, but I know the faces very well. I know the faces of the men that own the trucks, own the equipment. I know the faces of the wives that have struggled, have tried to do the best they could raising their kids while their partners were gone during the week. Many times when the partners came back the frustration, the anger, that they felt because they weren't able to work in their own state, they weren't able to negotiate for rates that made sense, that type of family strife that has honestly been there and has continued to be there because of that. I know that way too well. What I know is that there's an industry out there of people that work very hard, and we talk about welfare a lot in this Body and I challenge people to show me where the welfare is given in this industry, if it isn't given more to our large land owners than anyone. The men that get up and leave for work at 11 or 12 o'clock at night.

My home sits a quarter of a mile off of Route 161, and it is an area that only has 180 people and 70% of those are elderly. For most of the day there's hardly any traffic, but at night you hear trucks running like you wouldn't believe because they are working non-stop, seven days a week, 24 hours a day, in an industry that I don't think ever thinks very much about them. When it does, which times the Legislature has worked to try to give them some relief, be it exempting fuel tax for them, the landowners come around and take it all back away. If they find out that you've done something to help them out here they cut the rates because they know that they just got a little bit more. The time that they spend to get the training to do everything that the landowners want for them, the Frest Stewardship, the Certified Logging Professional, the best practices as far as cutting and harvesting, all these things come out of their pockets so they can be the best logging, trucking people in the industry. All these things, you know, roll down onto the cost of doing business for them.

So this bill has come forward time and time again, not to try and raise the rates for them but to just give them the place in the industry that they deserve. I mean, we're talking about a bill that says that if you're getting a subsidy from the State, any money from the State in forms of Tree Growth Tax Break, Tree Growth Relief, than you must hire a Maine contractor if the price is the same. We're not even talking about getting them more money. We're just saying that you've got to give them the job if the quality is the same. How is it that we could argue that we should go ahead and give our tax dollars, their tax dollars, to large landowners, and when they come and say "I will do the job for whatever price you tell me" we can let those landowners turn their backs on them? To me, that is not something that makes sense. I mean, I literally thought about putting in an amendment saying that if an American logger came and wanted to do it for 5% less than a Canadian you had to because this is how crazy this industry has gotten to. You can't even get the job whenever

you're willing to do it for the exact same price. Ladies and gentlemen, I think that is unbelievable that we would even consider not just giving the lowest dollar preference to our hardworking contractors in the state. Even the largest landowner, J.D. Irving, which has got - or which I have had numerous battles with, does not have a problem with this bill. They are indifferent to it because they use all American loggers. They don't think this is a problem. So if you're willing to use a Maine contractor you have no problem with this bill. If you can't get a Maine contractor it's no problem, you can use a Canadian one. But if a Maine person comes to you and says "Look, I'm willing to do it for the very same rate" why wouldn't we want to let that happen? You know, I hear people talk all the time about the free market. Well the free market is not working in this situation. I mean, if we had a free market we wouldn't allow foreign contractors to come in, take our jobs, and then turn around and give them a Tree Growth Tax Break on top of it, with our money. You know, if you don't live in an industry like that, I can understand maybe why you would listen to the lobby or listen to the people that have a different opinion. But, for me, there's nothing worse than being in the Legislature and representing people and all they want to do is go to work. All they want to do is do it for the very same price and they are being told that they can't, and then I have to turn around and tell them that I'm sorry, I can't do anything to help you, and, on top of that, we're going to use their tax dollars to subsidize those contractors. That is something that I'll never understand, I'll never get through my thick skull, why that's a good idea.

Ladies and gentlemen, this bill came out of committee 11-2 report. There was no one that spoke in opposition to it at the time. I understand how, when people get to smell blood, sometimes more and more people end up talking about what the issue is, but we are literally talking about only in the cases that we give a tax break we're going to make sure that Maine contractors are able to at least get their foot in the door. I think that's a good thing. The good Senator has put forward an amendment that - I appreciate his work on committee, I appreciate everybody's work on committee, State and Local, but the amendment that's being put forward will basically neuter the bill. It will do exactly what we have right now, meaning that the only time that we'll have this policy is on State lands. We already have a rule in place on State lands, that no bonded workers can work on State lands. So while I appreciate what he's trying to do, the overall goal is of this bill was to make sure that in all the other acreage in this state that we are giving a tax break that we continue to allow American workers to have at least the opportunity to get in there and get those jobs. I just, honestly, I can't understand why we wouldn't want to do this. With that, I would ask you to oppose the amendment, go back to the original bill, and something that will come forward that actually might take some of the concerns out could be offered.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the amendment, Senator Davis' amendment before us and, you know, as I read this bill and what the amendment seeks to address I have some real concerns about how - the way - things are written. I think this amendment would move us in a better direction with this legislation. Now, putting aside, you know, if we want to set in this Body what government's policy is going to be in terms of what contracts government enters into, that's all well and good. We can put aside, you know, the concerns that some

might have about, you know, how other states might respond to that and trade wars and all that. But we can set that policy. When we're talking about private landowners, not only would putting this regulation on private landowners - not only would it add cost, bureaucracy, red tape as private landowners are simply trying to exercise the use of their own property. If you read the actual bill, and I would encourage everyone in this Body to do that, read the actual bill and read the definition of subsidy. I'm going to read it to you right now, if you want to follow along you're more than welcome to. Subsidy is defined as - subsidy means a benefit given to an individual, a business, or a group of individuals or businesses for the purpose of promoting economic or social policy. Subsidy includes, but is not limited to, the elimination, reduction, or deferral of a tax, the transfer of funds, and the provision of aid or support. That is the most - that is potentially one of the most broadly written definitions of subsidy I think we could have in here. You could read that so many different ways and, unfortunately, we live in a society right now where it could be argued that every single person living in Maine is subsidized in one way or another. You could, under this definition, argue that if you drive on a public road you are subsidized and, therefore, subject to this requirement. So this is very broadly written. I think that when we are starting to put these requirements on private landowners for the use of their own private property we need to tread very carefully. I think we are treading down a very dangerous road if this legislation were to pass without this amendment. Thank you very much, Mr. President.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Penobscot, Senator Cushing.

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I rise in support of the pending amendment. This is an issue that has come before us in variations before and I respect greatly my colleague from Aroostook County and his passion on this issue. I've heard it in committee when I served with him on the Labor Committee. I've heard this repeatedly come before us. The fundamental difference here is we're now going to start defining subsidizes. That is a very disturbing course to take, Mr. President, because when we start to do that we start to create a different attitude towards a policy that was developed, that has worked very successfully, to allow our forests to remain working forests and not be developed for higher and greater use, which has happened, as we've seen, across the country. I think when we start to create these challenges for people who own property we create a situation, Mr. President, where they start to divest themselves of property because they're going to take their capital where it's appreciated and respected. Those people who work in the industry, and I, in full disclosure, have been in the forest industry, we own land, we have direct understanding of these issues, but I looked in the faces of many of those contractors in the log yards that I operated, where we bought their saw logs. They're hard working people. They go out during a period of time when most of us would rather be home, around the woodstove, or doing something much better than climbing around in two, three, four feet of snow, trying to get their equipment started or broken free so they can go to work. It's a rough life, Mr. President, and I think that's why people in Maine come from a hearty stock. But they work hard for what they get. They are willing to outwork many others, which is why we have great companies that still remain in this state with some of the economic challenges they

have in competing in a national and global economy. I just would be very sad, Mr. President, if we put another nail in the forest products industry by creating an unsustainable model that punishes people for using a system that we put in place to protect our working forest. That's why, Mr. President, I will encourage my colleagues here to support this motion so we can move forward. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator **CARPENTER:** Thank you, Mr. President. When I saw the good Senator from Androscoggin rising I thought, as probably the foremost expert on welfare in this Chamber, that he probably was rising to support the good Senator from Aroostook, Senator Jackson, in opposing the pending amendment. I'm also looking at that definition and I'm going to just briefly read from it also. It says: subsidy means a benefit given to an individual, business, or a group of individuals or businesses for the purpose of promoting economic or social policy. So, Mr. President, I pose a question through the Chair to the Senator from Androscoggin: explain to me the difference between subsidy and welfare.

THE PRESIDENT PRO TEMPORE: The Senator has posed a question through the Chair. The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** You know, frankly, to the Senator from Aroostook County, I don't draw a distinction between corporate subsidy and welfare. In fact, I've been a very big critic in this Chamber of corporate welfare. The point I am making is that the definition of subsidy is so broadly defined that every single person in the State of Maine could fall under this definition. I'll read it as you read it. So subsidy means a benefit given to an individual, a business, or a group of individuals or businesses for the purpose of promoting economic or social policy. Well, you might be able to make the case and a student lawyer could make the case and, unfortunately, I've seen as time has gone on that when we put things into statute, if you give the possible authority to government it will eventually be exercised. Someone could make the case, hypothetically, that if you drive on a public road that you have received a benefit and that the benefit of using that public road promotes economic policy. You might say, well, you know later in this clause - later it says - it talks about - well, we're talking about the elimination, reduction, or deferral of a tax, the transfer of funds, and the provision of aide or support. But there's a clause in there that says, right before that, that it's not limited to any of that. Here's some examples of what might be subsidies, but it's not limited to that. Really the sky is the limit. The imagination is the limit. So with such a broad definition of subsidy, we should really be careful. We are opening up a Pandora's Box here.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Cumberland, Senator Millett.

Senator **MILLETT:** Thank you, Mr. President. I am stunned that I am rising in reference to legislation to deal with logging. I probably couldn't be a person further from this industry, but I'm perplexed at what I'm hearing this afternoon. First, I think it's important to point out that the legislation is very specific about where these subsidies are applied. It's applied to timber. Simple

as that. And logging. Thank you. Secondly, I would appreciate if someone explained to me how when a business is allowed to receive a service for the same price but by a Maine company that is punishment. I think that that language is extreme and unjustified in the case of the hardworking loggers of our state. They are willing to do the hard work. They are willing to do it at the same rate. And I really object to that being defined as punishment. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I guess I'll just follow up on that. We've had numerous bills in here talking about welfare, making requirements around welfare, and making sure that the welfare that we did give was to people in the State of Maine, only the State of Maine. You know, there is the possibility, if we reject this, that something else will come forward that clarifies, but we are talking about the Maine Tree Growth Tax Law. That is the subsidy that we're talking about. That comes out of all of our pockets in here. All the people across the State of Maine pays for that. So I think when you talk about giving that subsidy to people it should come anyways with the requirement that we're going to have that subsidy, Tree Growth Tax law, put back into the people of the State of Maine. That's what we're trying to do here. I don't believe that the idea of giving the subsidy, this Tree Growth Tax Break, back whenever it was given, was with the idea that we were going to make sure that it left this state, left this country. We have a lot of people that could benefit by just getting the job, just getting the foot in the door. I don't know if you can understand that when I was a child there was actually places in Northern Maine that, as an American, I couldn't go to. They were blocked off by Canadian mills and Canadian landowners. It's not like that nowadays, but if you can't get the job you might as well not go there anyways. That's all we're really asking for, just a fair, level playing field here. We've done it. Efficiency Maine requires Maine contractors. I believe last session we all worked hard on something to help the biomass industry, and that was supposed to be with Maine companies, Maine contractors. This is not out of the realm of what we do and, believe me, it is far - it's been a long time coming and there's a lot of people out there that could benefit. We have a lot of contractors that aren't only not able to access these jobs but they're underutilized. They're not at their full capacity. So if we want to do something to help pump this industry up, I would say the best thing we could do is let them go to work in Maine.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Penobscot, Senator Cushing.

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I apologize for rising a second time, but I'd like to clarify a couple of things that I think have been lost here. We're not giving money back to landowners. We're taking property taxes from those individuals and, in many cases, the forests of Maine are also paying a Fire Service Tax to help subsidize the cost in the event that a forest fire were to break out anywhere in the State of Maine that required services. So this isn't as if we're writing a check to people who own property. This is them receiving, as farmers do and those who have open space do, a discounted property tax

rate. Most of the time in unorganized territories, where there is no school and, in many cases, there are no public roads, those roads are maintained by the landowners and there is a network of those roads in Western Maine that I'm sure the good Senator is familiar with, he's probably been on some of those, that, due to the openness of our state by private landowners, you can go hunting and fishing on. Yes, there are lands, as there are in many other parts of this country, that have been posted by private landowners. There are more and more lands in Maine we're seeing posted because as people come here and acquire our land from those who no longer want to put up with the difficulties of dealing with Maine government. They sell their land and those people who buy it, some of the wealthy out-of-state individuals, post that land so you no longer are able to use it for recreation, for hunting, for getting to some of your favorite game places. I think that's unfortunate, Mr. President, and I think that's one of the chilling effects when government steps in and, once again, starts to identify that they know better how to manage the assets that somebody else is paying the taxes on, is building the road network on, in some cases, to get to their product. I mean, imagine, Mr. President, if we told farmers that we were going to take their subsidy away on their crop land if they didn't allow people to go out and walk through their corn rows or be able to go pick strawberries on their land. I think, Mr. President, we're ready now to be honest about this and pass an amendment which will show that people in Maine have the fundamental rights that are guaranteed in our Constitution to life, liberty, and the pursuit of happiness. Thank you.

THE PRESIDENT PRO TEMPORE: The question now before the Senate is Adoption of Senate Amendment "A". If you are in favor of that amendment you vote yes. If you are opposed to it you will vote no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#393)

Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, DOW, HAMPER, HILL, KATZ, KEIM, LANGLEY, MAKER, THIBODEAU, VOLK, WHITTEMORE, PRESIDENT PRO TEMPORE MASON

Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, JACKSON, LIBBY, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, WOODSOME

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **DAVIS** of Piscataquis to **ADOPT** Senate Amendment "A" (S-307) to Committee Amendment "A" (S-269) **FAILED**.

On motion by Senator **JACKSON** of Aroostook, Senate Amendment "C" (S-315) to Committee Amendment "A" (S-269) **READ**.

THE PRESIDENT PRO TEMPORE: The Senator may continue.

Senator **JACKSON:** Thank you, Mr. President. Men and women of the Senate, as I was trying to refer to in the floor debate, this amendment clearly makes it so that it's Tree Growth Tax. It also brings into effect that New Hampshire will be the same as Maine as far as requirements, understanding that Maine and New Hampshire have no discrepancy in exchange rates, healthcare subsidies, or any other things. I don't see any problem with what's going on in the New Hampshire/Maine border, and so that's why I offered it to make sure that there wasn't any problems in the south. I would certainly appreciate supporting the amendment for clarity and letting the bill go forward with that clarity.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#394)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, JACKSON, LIBBY, MILLETT, MIRAMANT, SAVIELLO, VITELLI, WOODSOME

NAYS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, DOW, HAMPER, HILL, KATZ, KEIM, LANGLEY, MAKER, ROSEN, THIBODEAU, VOLK, WHITTEMORE, PRESIDENT PRO TEMPORE MASON

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **JACKSON** of Aroostook to **ADOPT** Senate Amendment "C" (S-315) to Committee Amendment "A" (S-269) **PREVAILED**.

Committee Amendment "A" (S-269) as Amended by Senate Amendment "C" (S-315) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-269) AS AMENDED BY SENATE AMENDMENT "C" (S-315) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

Senate at Ease.

The Senate was called to order by
President Pro Tempore Mason.

Off Record Remarks

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

Off Record Remarks

On motion by Senator **JACKSON** of Aroostook, **ADJOURNED** until Friday, June 30, 2017 at 10:00 in the morning.