

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

In Senate Chamber
Wednesday
May 8, 2013

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

Off Record Remarks

Senate called to order by President Justin L. Alford of Cumberland County.

PAPERS FROM THE HOUSE

House Paper

Prayer by Reverend Doctor Thomas Blackstone, Green Street Methodist Church in Augusta.

Bill "An Act To Create a Public State Bank"
H.P. 1078 L.D. 1508

REVEREND BLACKSTONE: Invite us to be in prayer. Holy and Gracious God, I pray this morning for these, Your servants, the Senators of the State of Maine. They are, each one of them, Your child and they are sent here by their peers to preserve our civilization and to stand between the people and anarchy, ignorance, poverty, and violence by the laws that are crafted in this place. They have a thousand bills to consider, debate, ponder, and have opinions about and precious little time to do it. Nonetheless, in the rush of this day, allow them some small measure of perspective. Help them to find the deep healing breath that will revitalize and nourish them. Keep them ever mindful of the faces of the people in their districts who look to them for leadership this morning. If there is a place of quiet and solitude in their lives, take them there now for a moment of stillness at the start of the day. Be it mountain top, shoreline, island, secluded pond, or forest, may the memory of it be Your gift to them. I lift up each of them by name and pray that they will fulfill Your hopes and expectations this day and that, in their inevitable failures and frustrations, they will know forgiveness and patience with themselves. I pray for each of these, Your servants: Dawn, Ronald, John, David, Linda, James, Rebecca, Justin, Anne, Stanley, Richard, Gary, James, John, John, Margaret, Garrett, Tom, Seth, Christopher, Patrick, Edward, Michael, Roger, Colleen, Rodney, Douglas, Brian, David, Emily, Edward, Geoffrey, Andre, Roger, and Troy. Walk with each of them and bless them on this extraordinary day that You have made. Amen.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

Senator **HILL** of York moved to **REFER** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Same Senator requested and received leave of the Senate to withdraw her motion to **REFER** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

On motion by Senator **HILL** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

Joint Order

The following Joint Order:
H.P. 1084

ORDERED, the Senate concurring, that the Joint Standing Committee on Labor, Commerce, Research and Economic Development shall study whether to license water treatment specialists and may report out a bill to the Second Regular Session of the 126th Legislature implementing the committee's recommendations on matters relating to the study.

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

READ and **PASSED**, in concurrence.

Pledge of Allegiance led by Senator David C. Burns of Washington County.

Reading of the Journal of Tuesday, May 7, 2013.

COMMUNICATIONS

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

The Following Communication: H.P. 1080

**CITY OF PORTLAND
IN THE CITY COUNCIL**

**RESOLUTION OPPOSING BUDGET PROPOSALS
TO SHIFT BURDEN
OF FUNDING STATE GOVERNMENT TO
THE PROPERTY TAX AND PROPERTY TAX PAYER**

WHEREAS, the Governor has submitted a proposed budget for the coming biennium that will dramatically shift the burden of funding state government to the property tax and property tax payers by eliminating or significantly modifying long-standing property tax relief programs; and

WHEREAS, the Governor's proposed budget would result in the City of Portland losing almost \$11.5 million dollars in funds as a result of proposals related to revenue sharing, teacher retirement, general assistance and the business equipment tax reimbursement (BETR) program; and

WHEREAS, the reductions in funding outlined in the proposed budget would significantly increase property taxes and compromise the City's ability to meet its resident's expectations and needs, as well as offer basic public services; and

WHEREAS, the City has always worked to maintain an effective partnership with state government; and

WHEREAS, this budget proposal significantly alters the City's partnership with the State and undermines the City's economic development and job creation efforts; and

WHEREAS, this budget proposal places a greater burden on Portland taxpayers to provide a quality education;

NOW, THEREFORE, BE IT RESOLVED, that the undersigned members of the Portland City Council strongly oppose the provisions in the Governor's recently proposed budget that would significantly shift the burden of funding state government to the property tax and property taxpayer. These proposals will dramatically increase property taxes in the City of Portland, taxes which often are unrelated to the ability of property owners to pay, and will require spending reductions which will call into question our ability to protect the health, safety and welfare of our community and provide our residents with government services; and

BE IT FURTHER RESOLVED, that the City Clerk shall forward a copy of this Resolution and the Council's action on it to the members of the Legislature representing the City of Portland, the members of the Appropriations and Taxation Committees, the Governor, the Speaker of the House, the President of the Senate and to Legislative leadership.

- S/Michael F. Brennan
- S/John M. Anton
- S/Kevin J. Donoghue
- S/Jill C. Duson
- S/Edward J. Suslovic
- S/John R. Coyne
- S/David A. Marshall
- S/Nicholas M. Mavodones

I, Katherine Jones, Clerk of the City of Portland, Maine do hereby certify that the foregoing Resolution, proposed by the City Council, was duly passed and adopted in the Council of the City of Portland, Maine at a meeting thereof assembled this 1st day of April, 2013, by the following vote:

Yes: 8
Nays: 0
Absent: 1 (councilor Leeman)

Seal: S/Katherine L. Jones
A TRUE COPY
ATTEST: S/Katherine L. Jones
City Clerk
Portland, Maine
Date: 4/30/2013

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

READ and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and the Committee on **TAXATION**, in concurrence.

The Following Communication: H.P. 1081

**CITY OF OLD TOWN, MAINE
IN CITY COUNCIL**

March 21, 2013

RESOLVE: Preservation of Revenues Used to Offset the Property Tax Burden

WHEREAS, Governor LePage has proposed a State budget which would have a significant and negative impact on local municipal services and local property taxes; and

WHEREAS, This State budget proposal calls for redirecting a portion of sales and income tax revenues, collected under the Revenue Sharing Program, away from municipalities and redirecting them to the State of Maine to balance the State budget; and

WHEREAS, This State budget proposal also calls for redirecting commercial vehicle excise tax revenues away from municipalities and redirecting them to the State of Maine to balance the State Budget; and

WHEREAS, This State budget proposal dramatically curtails the Homestead and Circuit Breaker programs, both programs designed to keep local residential property taxes low; and

WHEREAS, This State budget proposal call for the elimination of the BETR program that reimburses municipalities for some lost personal property taxes; and

WHEREAS, This State budget proposal shifts a portion of the cost of teacher's retirement fund to municipalities; and

WHEREAS, This proposed State budget is now before the Legislature for consideration;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Old Town City Council strongly opposes each of these recommendations and encourages our local delegation to also oppose any of these measures in full; and

THAT the Old Town City Council requests our local delegation to support the preservation and full restoration of each of these programs.

Sponsor: City Council
Originator: City Manager

Council Resolve to preserve revenues used to offset local property tax burden was presented and voted upon on March 21, 2013 as follows;

Yeas 5 Nays 0 Absent 2

ATTEST: S/Patricia A. Brochu, CMC
City Clerk-Old Town, ME

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

READ and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

The Following Communication: H.P. 1082

**CITY OF WESTBROOK, MAINE
CITY COUNCIL**

April 22, 2013

RESOLVED: #2013-11

**RESOLUTION OPPOSING
GOVERNOR'S BIENNIAL BUDGET**

RESOLVE, Expressing the Opposition of the City Council of the City of Westbrook to Proposals to Shift the Burden of Funding State Government to the Property Tax and Property Tax Payer.

WHEREAS, the State Administration has submitted a proposed budget for the coming biennium that will dramatically shift the burden of funding state government to the property tax by eliminating or significantly modifying long-standing property tax relief programs; and

WHEREAS, the proposal to suspend municipal revenue sharing would result in a \$1,455,480 revenue loss to the City of Westbrook; and

WHEREAS, the proposal to redirect the excise tax on tractor trailers will reduce the City's revenues by an additional \$58,000; and

WHEREAS, eliminating the homestead exemption in FY 15 for those under 65 will increase taxes for no longer qualifying residents by \$174 in that year if the City's tax rate remains unchanged; and

WHEREAS, low and moderate income residents under the age of 65 who now qualify for the state property tax circuit breaker program will no longer qualify for it in the coming budget year; and

WHEREAS, starting in the second year of the biennium, the business equipment tax reimbursement program (BETR), under which businesses are fully reimbursed for property taxes paid on certain business equipment, will be eliminated with most qualifying property transferred to the business equipment tax exemption program (BETE). Under this program, the City will be reimbursed by the State for 60% of the taxes due, reducing City revenues by an estimated \$478,500 in FY 15; and

WHEREAS, the elimination of the business equipment tax reimbursement (BETR) and the modification to the business equipment tax exemption (BETE) will have a significant impact on the City's commercial taxpayers, many of whom make-up the economic engine for the State of Maine, providing jobs and good paying salaries and benefits. The elimination of the BETR program will adversely impact the retail sector, a sector who will not qualify under the BETE program. Additionally, all businesses within the BETR program will experience an 18 month void in State reimbursement until those businesses qualify for BETE program funds; and

WHEREAS, if enacted, these changes will reduce City revenues by at least \$1,513,580 in FY 14 and \$1,992,080 in FY 15; and

WHEREAS, to replace these revenues through property taxation, the City's tax rate would have to increase by approximately \$0.62 in FY 14 and an additional \$0.26 in FY 15 before considering any other expenditure increases that may be required; and

WHEREAS, alternatively, reducing expenditures by this amount would require eliminating general fund expenditures and dramatically reducing community services and staffing; and

WHEREAS, further staffing and expenditure reductions of this magnitude would undermine the City's ability to provide local public services; and

WHEREAS, even a balance between tax increases and spending cuts would result in much higher property taxes in return for services that would no longer meet resident expectations or needs;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTBROOK, that the City Council hereby expresses its strong opposition to provisions included in the recently proposed state budget that would significantly shift the burden of funding state government to the property tax and

property taxpayer. These proposals will dramatically increase property taxes in Westbrook, taxes which often are unrelated to the ability of property owners to pay, and will require spending reductions which will call into question our ability to protect the health and welfare of our community and provide our residents with government services; and

BE IT FURTHER RESOLVED, that the City Clerk is directed to provide copies of this RESOLVE to the members of the Legislature representing the City of Westbrook, members of the Appropriations and Taxation Committees, the Governor, the Speaker of the House, the President of the Senate and the Legislative leadership.

A TRUE COPY ATTEST:
S/Lynda D. Adams
City Clerk, Westbrook, Maine
DATED: May 2, 2013

S/Colleen Hilton
Mayor
Date: 4/22/13

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

READ and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and the Committee on **TAXATION**, in concurrence.

The Following Communication: H.P. 1083

**TOWN OF BRIDGTON
3 CHASE STREET, SUITE #1
BRIDGTON, MAINE 04009**

April 25, 2013

Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333

Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

RE: Impacts to the Town of Bridgton-Loss of Revenues and Required Retirement Payments

President Alford and Speaker Eves:

As the elected officials for the Town of Bridgton and members of the M.S.A.D. #61, we have consistently advanced our citizen's needs and concerns through the local budget process. As a rural western Maine region, we have also endured the inequities that often come from the formulas developed at the state level when it comes to the revenues and requirements imposed. In no one

year in our past have we ever faced the daunting task of meeting our citizen's needs while experiencing the loss of revenues to our community and the unconscionable shifting of the State's share of the Maine Teachers Retirement System to what is now a 100% local cost. When combined, the impacts are forcing us to raise our local tax rate in excess of \$.56 which represents a minimum increase of 4% before we attempt to meet our local operational and maintenance requirements for FY 2014.

The M.S.A.D. #61, by virtue of the State's education formula, already has inequities such as the fact that as a rural area, our pupil transportation costs far exceed those of the urban and metro areas of the state. When this formula is used to determine prior year essential program and services support, once again we came up short and had to make up the difference at the expense of our local tax payers. Added to this insult, the decision to require the State's share of the Teacher Retirement System, our M.S.A.D. had to absorb 100% of this cost or over \$357,000 while we see the urban and metro regions fairing far better with shares below 60%.

We are also facing additional burdens that are still part of the State's budgeting efforts. Our average per student cost is almost \$10,000 and we have at least 9 students who may opt to transfer to a charter school for which we will become 100% responsible. That means close to \$90,000 of local tax dollars will leave this community and M.S.A.D. to be exported to another region leaving fewer dollars for the very academics which are the key to our local economy and an individual's success in their adult life.

All of this is in light of the facts that our region and specifically the Town of Bridgton has one of the highest percentages of students who qualify for Free and Reduced lunches. The inequities are unfathomable!

The efforts to balance the state's fiscal affairs by transferring the tax burden to our community and M.S.A.D. is a slap in the face to our citizens and their future. As we review the Governor's original proposals, the calculations for our community indicate that we come up short; that the model as proposed is a complete tax shift and represents such a narrow perspective that it leaves us with a greater concern for the future. Labeling this as "getting our house in fiscal order" is nothing less than a carefully orchestrated charade at the expense of every local tax payer.

We ask that as the legislative leaders of our great state, you bring both aisles together to cease the efforts of this tax and burden shift and preserve the integrity of the past relationships between the municipalities, education community and the State. As we have heard from many of our citizens, the best way we can describe their feelings is by asking you to "STOP THIS INSANITY."

In the coming weeks we will continue to observe and respond. We hope that you are listening to echoes of these concerns and hearing that this is not an acceptable approach. Please distribute this letter to all of the legislative members of our state government.

The Select Board of the Town of Bridgton,

S/Mr. Paul E. Hoyt, Chairman

S/Mr. Douglas A. Taft, Vice Chair
S/Mr. Robert F. Woodward
S/Mr. Bernard N. King, Jr.
S/Mr. Robert J. McHatton, Sr.

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

READ and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

The Following Communication: H.P. 1086

**TOWN OF SCARBOROUGH, MAINE
US ROUTE ONE, PO BOX 360
SCARBOROUGH, MAINE 04070-0360**

**RESOLUTION 13-03
RESOLUTION IN OPPOSITION TO LD 300**

BE IT RESOLVED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled that,

WHEREAS, the property taxpayers of Scarborough are obligated to fund education for their K-12 students under the laws of the State of Maine; and

WHEREAS, more than 65 percent of Scarborough property taxes are spend to support education in the Scarborough School District; and

WHEREAS, one of the largest line item expenses in the school's budget is for the cost of health care insurance for teachers, administrators and support staff; and

WHEREAS, competition most often produces lower prices for goods and services and improves understanding of the value of such goods and services; and

WHEREAS, the 125th Maine Legislature passed LD 1326 An Act To Allow School Administrative Units To Seek Less Expensive Health Insurance Alternatives and the bill was signed into law by the governor to enable the release of health insurance loss data to individual school districts for the purpose of understanding and soliciting competitive proposals for health insurance; and

WHEREAS, LD 1326, having been in effect for less than one year, breaks a decades-long virtual monopoly by the Maine Education Association Benefits Trust over local health insurance costs by concealing the loss data for individual school districts; and

WHEREAS, the United States Federal Court in Maine and the United States Federal Court of Appeals in Boston both have rejected arguments by the Maine Education Association Benefits Trust that attempted to block implementation of this insurance reform; and

WHEREAS, the Legislative Policy Committee of the Maine Municipal Association voted to oppose LD 300;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Scarborough, that the Town Council hereby urges the 126th Legislature to reject LD 300, or any other legislation that restricts access to local loss data and designates the Town Manager to communicate the Town Council's opposition to this bill's sponsors, other legislators, the Joint Standing Committee on Insurance and Financial Services and other municipal officials; and

BE IT FURTHER RESOLVED, that the Town Council encourages the Scarborough Board of Education to adopt a similar resolve showing its opposition to LD 300.

Signed and sealed this the 1st day of May, 2013, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine.

S/Ronald D. Ahlquist
Council Chair

Attested by:
S/Yolande P. Justice
Town Clerk

Comes from the House, **READ** and **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

READ and **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

The Following Communication: S.C. 306

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

May 3, 2013

Honorable Justin L. Alford, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alford and Speaker Eves:

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

L.D. 594 An Act To Prohibit Possession of a Firearm by a Person Who Has Created a Police Standoff

L.D. 958 An Act To Establish a Database To Prevent Individuals Involuntarily Admitted or Committed to a Mental Health Institution from Being Issued Concealed Handgun Permits

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

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

Sincerely,

S/Sen. Stanley J. Gerzofsky
Senate Chair

S/Rep. Mark N. Dion
House Chair

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

The Following Communication: S.C. 309

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

May 3, 2013

Honorable Justin L. Alfond, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

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

The Following Communication: S.C. 307

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

May 6, 2013

Honorable Justin L. Alfond, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

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

L.D. 194 An Act To Ensure That a Curtailment in School Funding Is Shared by All Institutions

L.D. 615 An Act To Protect School Administrative Units from a Sudden Decrease in Funding due to Reduced Enrollments

L.D. 1346 An Act To Ensure That Charter Schools Are Funded by the State

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

Sincerely,

S/Sen. Rebecca J. Millett
Senate Chair

S/ Rep. W. Bruce MacDonald
House Chair

L.D. 365 An Act To Define "Contaminant" in the Laws Governing Toxic Chemicals in Children's Products

L.D. 674 An Act To Clarify the Natural Resources Protection Act (EMERGENCY)

L.D. 735 Resolve, Directing the Department of Environmental Protection To Add a Flame Retardant to the Lists of Chemicals of Concern and of High Concern

L.D. 907 An Act To Encourage Recycling

L.D. 1058 Resolve, Directing the Department of Environmental Protection To Set the Motor Vehicle Fuel Volatility Level for the State

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

Sincerely,

S/ Sen. James A. Boyle
Senate Chair

S/Rep. Joan W. Welsh
House Chair

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

The Following Communication: S.C. 310

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

May 6, 2013

Honorable Justin L. Alfond, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

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

- L.D. 163 An Act To Increase the Number of Rafting Passengers Allowed for Licensed Outfitters on Unallocated Rivers
- L.D. 618 An Act To Eliminate Restrictions on Affiliated Outfitters in Laws Governing Whitewater Rafting
- L.D. 930 An Act To Subject a Motorboat with a Certificate of Number from Another Jurisdiction to the Annual Registration Fee
- L.D. 1190 An Act To Require the Secretary of State To Issue Certificates of Title for All-terrain Vehicles, Snowmobiles and Watercraft

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

Sincerely,

S/ Sen. David E. Dutremble
Senate Chair

S/Rep. Michael A. Shaw
House Chair

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

The Following Communication: S.C. 311

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

May 3, 2013

Honorable Justin L. Alfond, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

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

- L.D. 1074 An Act To Deny Employment-related Benefits to State Employees Convicted of a Felony Involving the Misuse or Theft of Government Funds
- L.D. 1153 An Act To Amend the Laws Governing Public Notices Provided by Governmental Entities

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

Sincerely,

S/Sen. Colleen M. Lachowicz
Senate Chair

S/Rep. Anne P. Graham
House Chair

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

The Following Communication: S.C. 312

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

May 7, 2013

Honorable Justin L. Alfond, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

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

- L.D. 358 An Act To Protect Family Farms and Working Waterfront Subject to Estate Tax and Reduce the Maine Estate Tax Exclusion

- L.D. 692 An Act To Provide Funding for Education by Restoring the 8.5 Percent Income Tax Rate for High-income Taxpayers
- L.D. 834 An Act To Make the Income Tax More Equitable for Citizens of the State
- L.D. 1124 An Act To Provide Income Tax Relief
- L.D. 1205 An Act To Lower the Rate of Excise Tax on Older Vehicles To Acknowledge the Longer Life Span of Motor Vehicles
- L.D. 1206 An Act To Ensure Equity in the Taxation of Food Items
- L.D. 1297 An Act To Provide Funding for Public Education by Increasing the Sales Tax
- L.D. 1314 An Act To Allow a Local Option Tax on Meals and Lodging

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

Sincerely,

S/Sen. Anne M. Haskell
Senate Chair

S/Rep. Adam A. Goode
House Chair

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

The Following Communication: S.C. 313

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

May 7, 2013

Honorable Justin L. Alfond, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

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

- L.D. 1371 An Act To Exempt New Cars from Motor Vehicle Inspection for 2 Years Following the Initial Purchase

- L.D. 1382 An Act To Provide Toll Discounts to Maine Commuters on the Maine Turnpike

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

Sincerely,

S/Sen. Edward J. Mazurek
Senate Chair

S/Rep. Charles K. Theriault
House Chair

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

The Following Communication: S.C. 314

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

May 6, 2013

Honorable Justin L. Alfond, President of the Senate
Honorable Mark W. Eves, Speaker of the House
126th Legislature
State House
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

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

- L.D. 433 An Act To Provide Parity in Funding to the Maine Maritime Academy from Gaming
- L.D. 649 An Act To Facilitate Consumer Taste Testings

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

Sincerely,

S/Sen. John L. Tuttle
Senate Chair

S/Rep. Louis J. Luchini
House Chair

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

The Following Communication: H.C. 152

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

May 7, 2013

Honorable Darek M. Grant
Secretary of the Senate
126th Maine Legislature
Augusta, Maine 04333

Dear Secretary Grant:

House Paper 280, Legislative Document 405, "An Act To Increase Municipal Agent Fees for Licensing and Registration of Motor Vehicles," 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?"

88 voted in favor and 55 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: H.C. 151

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

May 7, 2013

Honorable Darek M. Grant
Secretary of the Senate
126th Maine Legislature
Augusta, Maine 04333

Dear Secretary Grant:

The House voted today to insist on its previous action whereby it accepted the Majority Ought Not to Pass Report of the Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature (H.P. 109) (L.D. 134)

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act To Update the Maine Insurance Code To Maintain Conformance with Uniform National Standards"
S.P. 574 L.D. 1519

Presented by Senator WOODBURY of Cumberland.
Cosponsored by Senator GRATWICK of Penobscot and Representative: WALLACE of Dexter.
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

On motion by Senator **JACKSON** of Aroostook, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act Concerning Liquor Licensing Laws for Holders of 2 Licenses"
S.P. 573 L.D. 1518

Presented by Senator GOODALL of Sagadahoc.
Cosponsored by Representative BERRY of Bowdoinham.

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

Sent down for concurrence.

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

ORDERS

Joint Order

Expressions of Legislative Sentiment recognizing:

The Honorable Nancy Randall Clark, of Freeport, on the celebration of her 75th birthday. A highly regarded member of the greater Freeport community and leader in Maine politics, Nancy is known for her zest for life and deep commitment to service. She was the first woman to ever be elected Senate Majority Leader in Maine. Nancy was elected to the Legislature in 1973 and served 3 terms in the House of Representatives. She was elected to the

Senate in 1979, where she served 7 terms, one term as Assistant Senate Majority Leader and 3 terms as Senate Majority Leader. Nancy was a teacher for 40 years. She taught business education in Scarborough and then had a long career teaching in the Freeport school system. She was an involved member of the Maine Teachers Association, where she served as president and was a candidate for national leadership. Nancy has been a member with the Order of the Eastern Star for 39 years and is currently an Associate Matron. She served as Worthy Matron and Grand Electa. She has been a grange member for more than 4 decades and serves on the Executive Committee of the Maine State Grange, playing a vital role on the Legislative Committee. She is the current Master of Harraseeket Grange #9. Nancy served twice as president of the Cumberland County Retired Educators Association and remains a member. She has been a member of the board of the Maine State Society for the Protection of Animals for 37 years and a member of the Daughters of the American Revolution for 39 years. She has been a member of the South Freeport Congregational Church for almost 60 years and a member of the Freeport Woman's Club for 11 years, serving as its president twice and vice president twice. Nancy is a member of the Freeport Elders Association and is an active member of the Board of Directors of Freeport Community Services. We extend our congratulations and best wishes to Nancy on this very special occasion;

SLS 315

Sponsored by Senator GERZOFKY of Cumberland.
Cosponsored by Representative: GIDEON of Freeport.

READ.

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

Senator **GERZOFKY:** Thank you Mr. President. Ladies and gentlemen of the Senate, in a loud and clear voice, I would like to say that there are people that you encounter in your life that leave a lasting impression. I would like to tell some stories about this one because she was the first female, first woman, in Leadership in this Body on the Democratic side. I worked here at the time. I had been involved with this hero in my life, Senator Nancy Randall Clark. I can remember standing by those doors, as the Sergeant-At-Arms then, and watching her mentor many other young people. The current Sergeant-At-Arms would be one of them, who she brought in here when I think he was 5 or 6 years old and had him doing paging work. She did the same for many people. I love saying that without her I wouldn't be here today. She showed me how much to love this Chamber. When I started working in here the thing I learned is to don't have your Senators liking you too much because they are going to work you more. She had no compulsions. She was a teacher. She had no compulsions to say, "Stan, the Sergeant-At-Arms, do me a favor. Take the dolly and go down to the Education Department," which used to be a big, ugly brick building right outside here that blocked our view of the library and the museum. She would have a car full for me to take and put in her car. She would take it to Freeport. I'll tell you, I used to often think, "Why does she like me so much?" Well, she did and I love her to death because she taught me what being a Senator was like. About being responsible and about good legislation, no matter which part of the aisle it came from. Good legislation is good legislation. She

taught me how to work with others, on both sides of the aisle and on both floors. You've got to remember that we had a Governor, an Independent Governor, named Longley. Our Chief Executive. Some people thought he might have been difficult at times to work with, but you've got to learn how to work with people. She served in here when we first took the Majority here in the Senate. She taught many of us, Senators and staff, what it was like to work on an issue, work it through its end, get something done, and be able to go home with accomplishments, not just rhetoric. This sentiment for her today, she's retiring and I don't know what she's retiring from. She's retired from everything, but she's never been inactive. She is the sparkplug in Freeport. She's a sparkplug throughout the state of Maine. Whenever I go to look for her she's someplace else doing something else. It's good, organizing people. When you see the Red Hats come up here she's going to be one of them. Usually she's driving the bus. I think she'll still be driving the bus when I'm 75. She has just been a hero in this building. Got an awful lot of work done. She mentored a lot of us. Mr. President, your Sergeant-At-Arms, as a young man and as a Representative many years later, she was still mentoring him. Never once telling us what to do. Never once telling us how to vote on something. Always telling us to look and see what it really means and what is really going to have an impact on the people that we not only serve but for the people in the state. I just wanted to get up and say something because she was an awful nice lady. She was an awful productive person. She was a great Senator. She was a great teacher. She's been great at everything she's ever done. Thank you very much for being here Nancy Clark.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, it is indeed a pleasure for me to stand and recognize a good friend of mine, Nancy Randall Clark. I call her my favorite Senate leader. Twenty-four years ago I was here when she was a leader. I remember my wife changing my daughter's diapers in Nancy's office, the Majority Office. We are here today. As the good Senator from Cumberland, Senator Gerzofsky said, she was a mentor to many of us, myself included. As far as retirement, I know Nancy pretty good. I don't think she'll be retiring. I'm hoping to encourage her someday to run again. Nancy, if you are listening, I hope you hear this today. Congratulations for a job well done.

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

Senator **SHERMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I can't resist speaking on this topic. At one time I was a member of the Maine Teacher's Association, now the Maine Education Association. I was also the NEA representative for the state of Maine for a number of years. I ran into Nancy in those quarters, so to speak. As already has been said, she is a dynamo. She never gave up on anything. We had a representative assembly then, which is sort of like the size of the House. When she'd get up to speak most people quit making jokes and listened. She ran for national office. I think she would have done a wonderful job there. Most of this has already been said, but she apparently is master of a number of occupations that she was involved with. I wish her well.

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

Senator **CLEVELAND:** Thank you Mr. President. Men and women of the Senate, I had the great honor and pleasure when I was a freshman of having Nancy Randall Clark being our Majority Leader. I found her to be a woman of great integrity and honesty. Hard worker and a good mentor. As a freshman, she always had her door open when you felt you needed to talk and get good guidance as a freshman on issues before us. I always found her a woman of great courage, even on the difficult issues when she knew there was great division. She would always stand up for what she thought was right for the people of Maine and had the courage to vote that way, even when it was not always the most popular way to vote on many issues. She taught me that courage. She also taught me the importance of this Chamber, where we debate the issues of the state and where we try to come to some common understanding on what is best for the people of Maine. I would not be the Senator that I am today without her good guidance in those early years. I am so grateful to have had her leadership at the time. In fact, my sons, who were young at the time and would occasionally join me here in the Senate to page, even to this day, even though they are adults, always mention to me how they could go to her desk and she always had little candies in her desk that she would hand out and how pleased they were and how friendly and kind she was to them, even though they were just young children. Nancy is an exceptional woman, a great leader, and has served this state with great honor. I'm so pleased to be able to recognize her birthday today.

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues in the Senate, I'm just going to remark briefly about Nancy Randall Clark. I remember two things. I remember she wore sneakers all the time. You could never catch up with her, and believe me, at the speed that she moved, both professionally and personally, she needed those sneakers. It was always fun to see her do that. She picked up every returnable bottle in the building. If you sat one down, look out, because she kept track of them. She made sure that this building was not littered with returnable bottles. They were always in a box by her desk and she always collected them. My favorite memory of Nancy was when I was a freshman. When I came up here as a freshman and saw my name on the board, I was surprised it was the same size as everybody else's because I was only a freshman. I walked down the hall and I saw her. I introduced myself and I said, "How do you do, Senator?" She said, "I know who you are." I've got to tell you that meant a lot to me. She had been paying attention. If you talk about people who are an example and a mentor in your life, you couldn't talk about anybody any better than Nancy Randall Clark. Thank you.

PASSED.

Sent down for concurrence.

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

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

Amy Miller, of South Berwick, who is the recipient of a 2013 Real Heroes Award for International Service from the American Red Cross of Maine, Southern Maine Chapter, for her assistance to the Eben Ezer School in Milot, Haiti. After a visit to Haiti in 2007 with her family and witnessing the poverty there, Ms. Miller began writing articles, building area partnerships to collect clothing and medical supplies, raising funds and creating student sponsorships in support of the Eben Ezer School in Milot, Haiti. After the disastrous Haitian earthquake in 2010, she arranged for a container of supplies, including a diesel generator, to be shipped to the school. She raised \$8,500 for supplies used to teach trades, such as woodworking, welding and sewing. Today the Eben Ezer School, which began as a two-room cinderblock school, is a two-story, well equipped resource for the entire town. We congratulate Ms. Miller on her receiving this well-deserved honor;

SLS 317

Sponsored by Senator HILL of York.
Cosponsored by Representatives: BEAVERS of South Berwick,
Speaker EVES of North Berwick.

READ.

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

Senator **HILL:** Thank you Mr. President. The theme of today seems to be, under the Joint Orders, heroes, courage, and women. Whether those heroes occur under the dome here or throughout the little towns of Maine, I think our state is really blessed to have them. One such person I would like to share with you today who is a hero is Amy Miller of South Berwick. She received the 2013 Real Heroes Award for International Service from the American Red Cross of Maine, Southern Chapter, for work she does at the Eben Ezer School in Milot, Haiti. Amy, after a visit to Haiti in 2007 with her family, witnessed poverty there that was beyond her imagination. She began writing articles, building area partnerships to collect clothing and medical supplies, raising funds, and creating student sponsorships in support of this school. After the disastrous earthquake in 2010, she arranged for a container of supplies, including a diesel generator, to be shipped to this school. She raised \$8,500 for supplies used to teach trades, such as woodworking, welding, and sewing. Today the Eben Ezer School which began as a two room cinder block school is now a two story well-equipped resource for the entire town. I would like to congratulate Ms. Miller and I hope all the Senators will join me in doing so. Again, we should be so appreciative. We have so many heroes here in Maine and here is one before you today.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in rear of the chamber Ms. Amy Miller. Would she please rise and accept the warm greetings of the Maine State Senate.

Committee Amendment "A" (H-107) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Revise the Animal Welfare Laws"

H.P. 334 L.D. 484

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-107).**

Signed:

Senators:

JACKSON of Aroostook
SHERMAN of Aroostook

Representatives:

DILL of Old Town
BLACK of Wilton
CRAY of Palmyra
JONES of Freedom
MAREAN of Hollis
NOON of Sanford
SAUCIER of Presque Isle
TIMBERLAKE of Turner

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

Signed:

Representative:

HICKMAN of Winthrop

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-107).**

Reports **READ.**

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

READ ONCE.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Establish a Working Group To Study Issues Relating to Liability of Apiary Owners and Operators

H.P. 589 L.D. 838

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

Signed:

Senators:

JACKSON of Aroostook
BOYLE of Cumberland
SHERMAN of Aroostook

Representatives:

DILL of Old Town
CRAY of Palmyra
KENT of Woolwich
NOON of Sanford
SAUCIER of Presque Isle
TIMBERLAKE of Turner

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

Signed:

Representatives:

BLACK of Wilton
HICKMAN of Winthrop
JONES of Freedom
MAREAN of Hollis

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

Reports **READ.**

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Provide Funding to the State Board of Corrections for Certain County Jail Debt"

H.P. 59 L.D. 76

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

Signed:

NELSON of Falmouth
POULIOT of Augusta
RANKIN of Hiram

Senators:

GERZOFISKY of Cumberland
DUTREMBLE of York

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

Representatives:

DION of Portland
CASAVANT of Biddeford
KAENRATH of South Portland
LAJOIE of Lewiston
MARKS of Pittston
PLANTE of Berwick

Signed:

Senator:

LANGLEY of Hancock

Representatives:

JOHNSON of Greenville
McCLELLAN of Raymond

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-28)**.

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

Signed:

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-125)**.

Senator:

PLUMMER of Cumberland

Reports **READ**.

Representatives:

LONG of Sherman
PEASE of Morrill
TYLER of Windham
WILSON of Augusta

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

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

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

Reports **READ**.

On motion by Senator **GERZOFISKY** of Cumberland, the Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Social Work Education Loan Repayment Program"

H.P. 731 L.D. 1036

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Increase Funding to Schools" (EMERGENCY)

H.P. 459 L.D. 667

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

Signed:

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

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln

Signed:

Representatives:

Senators:

MILLETT of Cumberland
JOHNSON of Lincoln

MacDONALD of Boothbay
DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
KORNFIELD of Bangor
MAKER of Calais
NELSON of Falmouth
POULIOT of Augusta
RANKIN of Hiram

Representatives:

MacDONALD of Boothbay
DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
KORNFIELD of Bangor
MAKER of Calais

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

Signed:

Senator:
LANGLEY of Hancock

Representatives:
JOHNSON of Greenville
McCLELLAN of Raymond

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

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-111).**

Reports **READ.**

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

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Allowing Municipalities To Enact Firearms Policies in Local Government Buildings"
H.P. 794 L.D. 1122

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

Signed:

Senators:
LACHOWICZ of Kennebec
COLLINS of York
GERZOFKY of Cumberland

Representatives:
GRAHAM of North Yarmouth
COTTA of China
HAYES of Buckfield
MacDONALD of Old Orchard Beach
NADEAU of Fort Kent
PEASE of Morrill

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

Signed:

Representatives:
BOLAND of Sanford
CHENETTE of Saco
NADEAU of Winslow

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

Reports **READ.**

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act Relating to Precious Metal Coins"
H.P. 705 L.D. 1007

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

Signed:

Senators:
HASKELL of Cumberland
MILLETT of Cumberland

Representatives:
GOODE of Bangor
BROOKS of Winterport
LIBBY of Lewiston
MOONEN of Portland
STANLEY of Medway
TIPPING-SPITZ of Orono

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-114).**

Signed:

Senator:
THOMAS of Somerset

Representatives:
BENNETT of Kennebunk
JACKSON of Oxford
KNIGHT of Livermore Falls
MAREAN of Hollis

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

Reports **READ.**

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Prohibit Herbicide Spraying on Abandoned Railroad Lines"

H.P. 644 L.D. 920

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

Signed:

Senators:

MAZUREK of Knox
COLLINS of York
VALENTINO of York

Representatives:

THERIAULT of Madawaska
GILLWAY of Searsport
NUTTING of Oakland
PARRY of Arundel
PEOPLES of Westbrook
POWERS of Naples
TURNER of Burlington
VEROW of Brewer
WERTS of Auburn

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-113)**.

Signed:

Representative:

McLEAN of Gorham

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

Reports **READ**.

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

Senate

Ought to Pass

Senator DUTREMBLE for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Remove the Rangeley Plantation Sanctuary from the List of Wildlife Sanctuaries"
S.P. 62 L.D. 173

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator GRATWICK for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Allow the Adjustment of the Assessment Rate for the Rural Medical Access Program"
S.P. 236 L.D. 645

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator DUTREMBLE for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Make Permanent the Reciprocal Agreement between Maine and Other States Regarding a Snowmobile Weekend"
S.P. 61 L.D. 172

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-61)**.

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

READ ONCE.

Committee Amendment "A" (S-61) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator TUTTLE for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Provide Revenue to Veterans' Organizations and the Maine Veterans' Memorial Cemetery System Care Fund from Table Game Revenue" (EMERGENCY)
S.P. 58 L.D. 169

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-57)**.

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

READ ONCE.

Committee Amendment "A" (S-57) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Joint Select Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE** on Bill "An Act To Support the Maine Downtown Center"

S.P. 409 L.D. 1172

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-59)**.

Signed:

Senators:

GOODALL of Sagadahoc
VALENTINO of York
KATZ of Kennebec
LANGLEY of Hancock
WOODBURY of Cumberland

Representatives:

BERRY of Bowdoinham
GILBERT of Jay
GRANT of Gardiner
JOHNSON of Greenville
MAKER of Calais
MASTRACCIO of Sanford
MONAGHAN-DERRIG of Cape Elizabeth
MORRISON of South Portland

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

Signed:

Representatives:

BENNETT of Kennebunk
TIMBERLAKE of Turner

Reports **READ**.

Senator **GOODALL** of Sagadahoc moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today to speak in favor of the pending motion. Our downtowns are just key components of our economy, of our way of life, of our tourism, of our communities, and the heart, blood, sweat, and tears of the fabric of all our lives. Frankly, it is where many of us grew up. It's where many of us go to participate in commerce, to buy our goods, and where many of our friends and neighbors work and run their businesses. Often we are advocating strongly for our downtowns through many different programs; tax credits or through bond packages. In addition we have this very important bill in front of us today. This is to fund the Maine Downtown Center. This is an appropriation of \$100,000 to really help our downtowns grow. There is no coincidence that across the state of Maine there are 30

communities that are participating in the Maine Downtown programs. These 30 communities, many of them, are the most vibrant downtowns in our state. Some of them have received awards, locally as well as nationally. The City of Bath, in my district, has been recognized as one of the top five Main Streets all across the country and the first in Maine. What this has done, in terms of through the help of the Maine Downtown Program and through the hard work of the volunteers, is it has really revived the City of Bath. There are many stories such as Bath throughout Maine. So often we are advocating for stronger economic development. We're advocating for pro-job legislation. This is one of those pieces of legislation. We have many pieces of legislation that look at tax credits, tax breaks, and bond packages that help businesses directly. This bill does that as well. It brings together small businesses. It has a direct effect, a positive impact, on small businesses. We have the opportunity today to take a step forward to continue the efforts that have happened across Maine in growing our downtowns. Every dollar that we invest we see a \$25 return. I would argue that this one of the best investments that we make for small businesses and our economy in the state of Maine as it pertains to return on our investment. Lastly, I just want to share that we need to think about our overall economic plan where we are here in the state of Maine. We all state that we are for small business. We do it on the streets. We do it in our electoral campaigns. We do it here in the Chamber. If you sat through a hearing, whether it is in Labor, Commerce, Research and Economic Development Committee or, this year, the Joint Select Committee on Workforce and Maine's Economic Future, you would see small business owners come in front of these committees to advocate for this bill. They are taking time off from their businesses and having their family members run the shop or they may be closing the shop to come up and testify because they know what this bill does. It has a direct positive impact for their business, for their community, for the tourism industry, for their region, and for both the rural and the downtown communities. I would encourage us all to get behind this important piece of legislation because this is pro-jobs, pro-community, and it brings in a greater economic investment from the private sector as well as other grants from the federal government. I would encourage you to support this bill. Thank you, Mr. President.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I must admit that I'm a child of downtown. My Dad had a jewelry store for 50 years in downtown Augusta and the business of which I'm a partner is in downtown Augusta. I'd like to suggest to you all that when you think about it there is no such thing as a great community that doesn't have a great downtown. It's what's unique about our communities. It's what gives our towns and cities a sense of identity. It's the economic engine for the creative economy. As my good friend Sagadahoc just pointed out, you can look around the state at success stories of downtowns coming back from the 19th Century roots. Look at Belfast. Look at Bath. Look at Waterville and others. Hopefully soon Augusta. They all have one thing in common; they have all been participants in the Maine Downtown Program. This \$100,000 is a fair amount of money, but what it really does is help leverage huge other amounts; federal funds, local tax funds, and, most importantly, private investment. I'd suggest that this is a wise,

thoughtful, and targeted investment, Mr. President, that will help make what's special about Maine even more special. Thank you, Mr. President.

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

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I, too, rise as having served on the Maine's Workforce and Economic Future Committee. I apologize for being a late arrival here in the Chamber this morning. Besides a doctor's appointment, I had to do an interview for the upcoming Ellsworth sestercentennial, 250 years of the City of Ellsworth being incorporated. One of the questions I was asked this morning in my interview was, "What's so special about Ellsworth?" The first thing that came to my mind was our downtown. Our city is a city, but feels like a community. That is because of our Main Street. On our Main Street is our community theatre and our mixed use of new residences and businesses. We find that that is the key to our community success, our downtown. Seeing that firsthand, being a downtown merchant myself, my business is just off Main Street, and getting a sense for that every day as people walk their dogs and we have a community that is striving to be a healthier community. That is something worth investing in. Through this program I've seen firsthand what it has done in communities around the state and also with our community. The return on investment is really quite good. It's one of the programs that has a tremendous return on investment. That's why you can count on my support. Thank you.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, I'll be brief. I've been very active in my community with this program over the years. It's really been a tremendous plus for us. We can all remember urban renewal of the 1960's. I always called it urban removal. We've learned that we have to invest in our downtowns and not just investing on the out skirts. We've seen the same thing happen in Augusta, my community, and other communities around the state. I think as long as we have a good strong downtown that's the best thing for business. Thank you, Mr. President.

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 PRESIDENT: The pending question before the Senate is the motion by the Senator from Sagadahoc, Senator Goodall 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 (#72)

YEAS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFOSKY, GOODALL, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, TUTTLE, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senator: THOMAS

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, the motion by Senator **GOODALL** of Sagadahoc to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-59) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Reduce the Number of Labels of Wine a Retailer Must Stock To Conduct a Wine Tasting" S.P. 16 L.D. 24

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

Signed:

Senator:
MASON of Androscoggin

Representatives:
LUCHINI of Ellsworth
BEAULIEU of Auburn
FOWLE of Vassalboro
GIFFORD of Lincoln
JOHNSON of Eddington
KINNEY of Limington
LONGSTAFF of Waterville
RUSSELL of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-58)**.

Signed:

Senators:
TUTTLE of York
PATRICK of Oxford

Representatives:
SAUCIER of Presque Isle
SCHNECK of Bangor

Reports **READ**.

On motion by Senator **TUTTLE** of York, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-58)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-58) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Remove the Disqualification of Full-time Law Enforcement Officers from Obtaining a Liquor License" S.P. 198 L.D. 508

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-60)**.

Signed:

Senators:
TUTTLE of York
PATRICK of Oxford
MASON of Androscoggin

Representatives:
LUCINI of Ellsworth
BEAULIEU of Auburn
FOWLE of Vassalboro
GIFFORD of Lincoln
JOHNSON of Eddington
KINNEY of Limington
LONGSTAFF of Waterville
RUSSELL of Portland
SCHNECK of Bangor

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

Signed:

Representative:
SAUCIER of Presque Isle

(Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-60) **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 As Amended

Bill "An Act To Require Edible Landscaping in a Portion of Capitol Park"

H.P. 324 L.D. 474
(C "A" H-102)

Resolve, Directing the Department of Agriculture, Conservation and Forestry To Review, Clarify and Update Its Rules Pertaining to the Maple Syrup Industry

H.P. 449 L.D. 657
(C "A" H-106)

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

Bill "An Act To Improve Organ Donation Awareness"

H.P. 586 L.D. 835
(C "A" H-103)

READ A SECOND TIME.

On motion by Senator **JACKSON** of Aroostook, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

Senate

Bill "An Act To Amend the Election Laws and Other Related Laws"

S.P. 194 L.D. 504

Bill "An Act To Encourage the Use of Biofuels in the State"

S.P. 415 L.D. 1178

Bill "An Act Regarding the Cost of Copies of Medical Records"
S.P. 561 L.D. 1500

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act To Sustain Maine's Aviation Industry by Extending the Exemption from Sales and Use Tax for Aircraft and Parts"
S.P. 112 L.D. 279
(C "A" S-55)

Bill "An Act To Require Payment Quotes in Service Contracts for the Harvesting and Hauling of Wood"
S.P. 229 L.D. 639
(C "A" S-50)

Bill "An Act Regarding Legal Representation in Certain Eviction Actions"
S.P. 230 L.D. 640
(C "A" S-56)

Bill "An Act To Amend the Laws Dealing with the Taxing of Extended Warranty Claims for Trucks"
S.P. 266 L.D. 728
(C "A" S-53)

Bill "An Act To Promote Fairness in the Sales Tax Exemption for Vehicles Used in Interstate Commerce"
S.P. 279 L.D. 741
(C "A" S-54)

Bill "An Act To Remove Obsolete Provisions of the Electric Industry Restructuring Laws"
S.P. 310 L.D. 885
(C "A" S-52)

Bill "An Act To Promote the Installation of Masonry Stoves"
S.P. 326 L.D. 948
(C "A" S-51)

Resolve, Directing the Department of Transportation To Fund or Seek Funding To Complete a Design and Engineering Assessment for the Extension of Passenger Rail Service from Portland North on the State-owned St. Lawrence and Atlantic Railway Corridor
S.P. 344 L.D. 999
(C "A" S-48)

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 Resolve

Resolve, Regarding Legislative Review of Portions of the MaineCare Benefits Manual, Chapter III, Section 21: Home and Community Benefits for Adults with Intellectual Disabilities or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services

H.P. 5 L.D. 3

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

Acts

An Act To Update the Maine HIV Advisory Committee
S.P. 39 L.D. 88
(C "A" S-32)

An Act To Amend the Short Form Deeds Act
H.P. 296 L.D. 424

An Act To Protect Public Health at Public Institutions of Higher Education
H.P. 318 L.D. 468
(C "A" H-77)

An Act To Amend the Law Concerning Protection from Abuse Orders To Include Pets
H.P. 479 L.D. 687

An Act To Ensure the Periodic Review and Revision of Statutory Provisions
H.P. 536 L.D. 785

An Act To Validate Certain Real Estate Transactions Entered into by a Corporation while Its Charter Was Suspended
H.P. 600 L.D. 849

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

Resolves

Resolve, To Direct the Department of Health and Human Services To Study the Ongoing Need for Rental Subsidies to Provider Agencies

H.P. 262 L.D. 387
(C "A" H-95)

Resolve, To Study the Issue of Inheritance of Digital Assets
H.P. 601 L.D. 850

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (4/10/13) matter:

JOINT RESOLUTION - Recognizing the City of Sanford as Maine's Newest City

S.P. 502

Tabled - April 10, 2013, by Senator **TUTTLE** of York

Pending - motion by same Senator to **ADOPT**

(In Senate, April 10, 2013, on motion by Senator **TUTTLE** of York, **READ**.)

On motion by Senator **TUTTLE** of York, the Joint Resolution was **ADOPTED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/7/13) matter:

Resolve, To Direct the Department of Economic and Community Development To Adopt Certain Eligibility Requirements Regarding Community Development Block Grants

S.P. 560 L.D. 1499

Tabled - May 7, 2013, by Senator **HILL** of York

Pending - **REFERENCE**

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.)

On motion by Senator **HILL** of York, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/7/13) matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee"

H.P. 451 L.D. 659

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-109)** (3 members)

Tabled - May 7, 2013, by Senator **KATZ** of Kennebec

Pending - motion by Senator **TUTTLE** of York to **COMMIT** the Bill and accompanying papers to the Committee on **VETERANS AND LEGAL AFFAIRS**, in **NON-CONCURRENCE**

(In House, May 2, 2013, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 7, 2013, Reports **READ**. Senator **TUTTLE** of York moved to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE** (Roll Call Ordered).)

On motion by Senator **TUTTLE** of York, the Bill and accompanying papers **COMMITTED** to the Committee on **VETERANS AND LEGAL AFFAIRS**, in **NON-CONCURRENCE**

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend the Laws Governing Decision-making Authority Regarding Energy Infrastructure Corridors"

H.P. 1090 L.D. 1517

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

On motion by Senator **CLEVELAND** of Androscoggin, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed, in concurrence.

Bill "An Act To Allow Certain Military Personnel To Administer Oaths and Perform the Duties of a Notary Public"
H.P. 1089 L.D. 1516

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

On motion by Senator **JACKSON** of Aroostook, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

Bill "An Act To Allow the Passamaquoddy Tribe To Operate Slot Machines in Washington County in Conjunction with High-stakes Beano"
H.P. 1091 L.D. 1520

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

On motion by Senator **TUTTLE** of York, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed, in concurrence.

Off Record Remarks

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

Senator **GOODALL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Senator **PATRICK** of Oxford was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED** to Thursday, May 9, 2013, at 10:00 in the morning.