

MAINE STATE LEGISLATURE

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The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Restore the Historical Town Boundary between Harpswell and Brunswick"
H.P. 57 L.D. 69

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

Signed:

Senators:

THOMAS of Somerset
COLLINS of York

Representatives:

COTTA of China
BOLDUC of Auburn
CASAVANT of Biddeford
CELLI of Brewer
GRAHAM of North Yarmouth
HARVELL of Farmington
KAENRATH of South Portland
MOULTON of York
TURNER of Burlington

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-552)**.

Signed:

Senator:

SULLIVAN of York

Representative:

BOLAND of Sanford

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

Reports **READ**.

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

ENACTORS

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Use a Portion of the Sales and Use Tax for the Protection of Maine's Fish and Wildlife

S.P. 155 L.D. 563
(S "B" S-237 to C "A" S-154)

Comes From the House, **FAILED FINAL PASSAGE**.

On motion by Senator **ROSEN** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**, in **NON-CONCURRENCE**.

RECESSED until the sound of the bell.

After Recess

Senate called to order by President Pro Tem
THOMAS H. MARTIN of Kennebec County.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (6/6/11) Assigned matter:

Emergency Measure

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

Tabled - June 6, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 12, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-87)**.)

(In House, May 18, 2011, **PASSED TO BE ENACTED**.)

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

Senator **COURTNEY:** Thank you Mr. President. The bill before us is "An Act to Ensure Regulatory Fairness and Reform," L.D. 1, the most famous bill this session, probably. It was a creation of the Speaker and the President and the belief that we felt the best solutions come from mainstream, not just Augusta. We took a little tour around the state. We went from Aroostook County to the Mid Coast, down to Southern Maine, and finally we ended up back in Augusta. It was quite an experience because the people on Main Street told us loud and clear that they wanted to have a strong environment and they wanted to protect our natural resources. They also didn't want that to hinder job creation. What L.D. 1 does is it takes a step in that direction. L.D. 1 is the beginning of changing the culture of state government where you can have the opportunity to create jobs, the opportunity that many other people that have already had with good financial opportunities. They move to Maine and it's created an opportunity to do that. Also, it recognizes the valuable importance of the environment. I would like to thank our committee clerk, Darlene Simoneau and our analyst Pat Norton, who spent hours and hours working on this, cataloguing every suggestion that we received from many people. We had hundreds and hundreds of suggestions. L.D. 1 wasn't just about the Regulatory Reform Committee; it was about all of your committees because what we did was we went through the

issues. Where we felt it would be better handled by the committee of jurisdiction, we did that. Many of your committees worked very hard on that and improved on that. I know we passed bills this week that came from suggestions that people had. The people said that we could never do it. I remember going to the second public hearing in Belfast. Everybody said, "There is no way you are going to get a unanimous report for that, on that bill." It really is to the credit of the committee. It was an honor to serve with people like Senator Alfond and Senator Rector. I have to tell you the work that Senator Saviello and Senator Goodall did on the environmental pieces of this bill will have lasting impacts on this day. It really shows that you can do better when you work together than when one side tries to ram things through. We have really tried to do that and we were very successful with this piece of legislation. I want to thank the presiding officers for the opportunity to be part of this process and I want to thank the leaders on the other side for their help as well with this, including Senator Patrick. I know that Senator Alfond, it was very difficult on the committee because they all had other committees and as we got into session and it got busier, it was very difficult to get everyone together. Senator Alfond would come into the room and be very supportive and offer constructive ideas. Some of his ideas are actually in this bill and they are going to reduce the red tape in the state today. With that I am very appreciative and, Mr. President, I would request a roll call.

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

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

Senator **ALFOND:** Thank you Mr. President. I stand and rise, ladies and gentlemen of the Senate, to offer a couple comments of my own. I want to thank the good Senator from York, Senator Courtney, for the very nice remarks about my small input but more importantly the major input that many people in this Body made, including the good Senator from Franklin, the good Senator from Sagadahoc, and others. Truly, what the Chairs, both Senator Courtney and Representative McKane, did was create a process for us to be successful, for us to be heard, for us to listen to the people of Maine, and I think the result is a strong indication of that work. It was all a culmination of hours and hours and hours that we worked through, listened to, had great staff helping us, and traveled across this great state. Senator Courtney mentioned that what we heard from the people was that for 30 years we have put a wonderful balance between our environmental priorities, our quality of place, and jobs. People didn't feel like they had to be at odds. I think that was very smart for us to hear and I think the reflection of the final report indicates that this is not a Legislature that said it's one or the other. Both can work in harmony. I really want to thank the Chair for pushing through when at times it looked like we were going to stop and be caught between one or the other. I think truly the end result is not jobs or the environment; it is us working in harmony like I think we have done for a long time. I want to again thank Senator Courtney. I know that we both sat on this committee thinking that we were going to talk a lot about business and talk a lot about regulations, but in fact we learned a lot about the environment and also about regulations. With that, I am very glad to put my full support behind L.D. 1. Thank you, Mr. President.

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

Senator **SAVIELLO:** Thank you Mr. President. This must be the day of kumbaya, because I am going to stand up again and thank those people on the committee for working together. I particularly want to thank my little sub committee as we worked together. That, again, included my good friend, Senator Goodall. I hope you are listening. Representative Parker, Representative Duchesne, and myself and later Representative Carey. He decided he wanted to learn about the environment, we tried to train him. It didn't work, but we tried. In fact, I will point out to you at the end, when we were trying to pull the pieces together, there were three Democrats and two Republicans. We still came out with the unanimous report in relation to what we were trying to do. What we did is we kept asking the question; why? What was the problem? What could we do to solve it? That took a long time. Sometimes it was painful. Sometimes it was late working, but we did it. I think, having worked in this arena for 32 years of my life, there is no doubt in my mind that we have made a difference with L.D. 1. We kept the balance. We protected the environment. I believe we have made it so that businesses will have a friendlier place to go and a better understanding of what is required. Again, I thank my friend, Senator Goodall.

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

Senator **RECTOR:** Thank you Mr. President. Men and women of the Senate, I just want to add my small voice to the process in moving forward with L.D.1. I especially want to thank the Committee Chairs and all the other members of the committee. I think that one of the things that we demonstrated was both the ability to take some issues and bring them under the umbrella of our committee and also to recognize that there were other issues that needed to go out to the committees of jurisdiction individually. I think we differentiated well and provided an opportunity for those committees of jurisdiction to do their work in a way that was terrifically important. I would like to thank Senator Courtney, the Senator from York, and Representative McKane and all those who worked so very hard. I feel a little like Senator Alfond. I was often not there. Great work was going on and we were able to come in and sort of receive the benefit of the hard work of others. I think it was with the best of intentions that we all moved forward. I think this was an unusual case where a big idea was able to be captured well, but at the same time allowed the individual committees to do their work. I really appreciate that on the part of the Chairs. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you Mr. President. I am very pleased to rise today as the primary sponsor of L.D.1 to thank the committee for the extraordinary work that brings us to this historic moment. It was an incredible process that this committee engaged in, traveling far and wide across this state to hold seven field hearings; not to mention the hearing here and multiple work sessions to hammer out this bill, to work through legitimate and heart felt differences, to come to consensus. It resulted in a unanimous report and a broad bill that will have profound positive

impacts for this state. I want to particularly compliment Senate Courtney, the Senator from York, whose patient, tireless, and brilliant leadership of this committee helped to bring us here today. Along with Senators Rector, Saviello, Goodall, and Alfond and members from the other Body who served on this committee, they worked long hard hours, with patience, and with determination and with a bi-partisan spirit that will serve Maine's business community and the people of Maine well going forward. Among the most important provisions of this new law we are about to pass are provisions that authorize agencies to conduct a benefit cost analysis of proposed rules; creating a business ombudsman program within DEDC; creating a special advocate within the Office of the Secretary of State; directing the BEP to adopt rules to encourage the beneficial reuse of hazardous and solid waste; the positive constructive changes to the Board of Environmental Protection; and the elimination of state and municipal licenses in health inspections of eating establishments, just to name a few. The kinds of frustrations that all of us have heard from our struggling small business community over the past years have been addressed in this bill. Certainly it is not a cure all. It's not the end all be all, but in combination with other reforms that have already been passed and are currently working their way through the legislature, this is an important, in fact, a giant step forward for Maine. We all have participated in a shared effort to make Maine more conducive to job creation and to successful businesses. It strikes a thoughtful balance, reflects, I believe, the very best that the Maine Legislature has to offer when we work together in shared determination. We are moving Maine forward today in a very positive and constructive way to signal that Maine truly is open for business. I just want to urge everyone here to join together in making this a unanimous and powerful vote of the Maine Senate and again to thank the great bi-partisan work of this terrific committee. Thank you very much.

The Chair noted the presence of the Senator from Aroostook, Senator **JACKSON**.

THE PRESIDENT PRO TEM: The pending question before the Senate is Passage to be Enacted. 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 (#190)

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

NAYS: Senators: None

EXCUSED: Senator: GOODALL

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require Approval by a 2/3 Vote of Each Branch of the Legislature in Order To Raise a Tax or Impose a New Tax
S.P. 183 L.D. 603
(C "A" S-230)

Comes From the House, **FAILED FINAL PASSAGE**.

On motion by Senator **ROSEN** of Hancock, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in **NON-CONCURRENCE**.

Emergency Measure

An Act Regarding the Saltwater Recreational Fishing Registry
S.P. 60 L.D. 210
(S "B" S-147 to C "A" S-136)

Senator **ROSEN** of Hancock moved the Bill and accompanying papers be placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

Senator **TRAHAN** of Lincoln was granted unanimous consent to address the Senate off the Record.

Senate at Ease.

Senate called to order by President Pro Tem **THOMAS H. MARTIN** of Kennebec County.