

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Fifth Legislature  
State of Maine

Daily Edition

Second Regular Session  
January 4, 2012 to May 31, 2012

Pages 1594 - 2357

Ordered sent down forthwith.

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**Acts**

An Act To Clarify the Requirements of Income Withholding Orders  
H.P. 1199 L.D. 1594  
(C "A" H-746)

An Act To Amend the Uniform Commercial Code Regarding  
Motor Vehicle Warranties  
H.P. 1236 L.D. 1684

An Act To Clarify the Status of Patients Held under Involuntary  
Commitment Applications  
H.P. 1240 L.D. 1688  
(C "A" H-747)

An Act To Reduce High-technology Tax Evasion and Theft  
H.P. 1297 L.D. 1764  
(C "A" H-743)

An Act To Implement Recommendations of the Right To Know  
Advisory Committee Concerning Public Records Exceptions  
H.P. 1330 L.D. 1804

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

Ordered sent down forthwith.

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Senate at Ease.

Senate called to order by the President.

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**Resolve**

Resolve, Authorizing the State Tax Assessor To Convey the  
Interest of the State in Certain Real Estate in the Unorganized  
Territory

H.P. 1292 L.D. 1751  
(C "A" H-748)

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

Senator **COURTNEY:** Thank you Mr. President. Men and  
women of the Senate, it appears that this bill conveys property  
and because of that it would require a two-thirds vote.

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#378)**

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

**NAYS:** Senators: None

35 Senators having voted in the affirmative and No Senator  
having voted in the negative, was **FINALLY PASSED** and having  
been signed by the President was presented by the Secretary to  
the Governor for his approval.

Ordered sent down forthwith.

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**ORDERS OF THE DAY**

**Unfinished Business**

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

The Chair laid before the Senate the following Tabled and Later  
(3/12/12) Assigned matter:

SENATE REPORTS - from the Committee on **TAXATION** on Bill  
"An Act To Provide Tax Relief for Maine's Citizens by Reducing  
Income Taxes"

S.P. 252 L.D. 849

Majority - **Ought to Pass as Amended by Committee  
Amendment "C" (S-427)** (8 members)

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

Tabled - March 12, 2012, by Senator **COURTNEY** of York

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

(In Senate, March 12, 2012, Reports **READ.**)

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

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

Senator **WOODBURY**: Thank you Mr. President. Senate colleagues, I doubt there is anybody in the Chamber who has worked harder on trying to move our tax system from its currently outdated version to one which has a much lower income tax. In particular, a 4% income tax as the committee report that we're looking at suggests. I don't believe anyone has worked harder on that core goal. I do believe that our high income tax rate is perhaps the single most important economic disincentive in our economy in Maine. I think our tax system is terribly outdated and needs to be fixed. That said, I am equally convinced that what we have in front of us is the wrong mechanism to get there. We've all spent a lot of time this session on the budget. One thing that I can say about the budget, having been here through the period of moving into a recession and so forth, is that the budget has been one of extreme strain on this Body. The size of our budget today is smaller than it was in 2008. Revenues are lower than they were in 2008. By the way, in the period since 2008, there has been about 12% inflation. The buying power of that lower budget is even that much smaller again. Even in that situation, with revenues being lower and our spending being lower, we are moving towards a smaller government and that is a positive direction. On top of the challenges of our budget that we faced because of these declines over the past four years, we've added to the future challenges through some of the tax changes that we've already made, and some that are still proposed going forward. The biennial budget we passed last year, once the tax changes are fully phased in, will have an annual reduction in revenues to the State of \$285 million annually, or roughly 10% of the amount that we receive right now. Again, sort of on top of this long term decline, we have put into law tax changes that are a substantial additional reduction in revenues. The newest budget released by the Administration this week has another phase-down in tax revenues that will amount to \$105 million per year once it is fully phased in. I truly fear for the deep structural deficits that we are imposing on future Legislatures by the actions that we are making, including those that this bill will contribute to. I just think that this approach to getting to that 4% income tax rate, without fixing the core problems with our tax system, is a mistake. Mr. President, I'm fully onboard with a process and a plan that fixes our desperately outdated tax system and, at the same time, I'm fully onboard with a plan that, with those fixes, creates a 4% income tax. In my 10 years of experience working on State tax issues, I am confident we can create a reweighted system that has a 4% income tax and has all of the economic benefits of a 4% income tax, but doesn't create this problematic and really severe, at this point, structural deficit into the future. That's the process that I think we should be working on. We would do that by letting this bill go and trying to put some serious kinds of reforms into the next budget. That's what I hope will happen, Mr. President, and I hope we will defeat the acceptance of this report. Thank you.

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

Senator **COURTNEY**: Thank you Mr. President. Men and women of the Senate, I encourage you to support the pending motion. I, too, came in here about 10 years ago with the good Senator. I've watched for years and years as people have put forward plans where they are going to reduce the income tax. Some have tried to raise 102 new taxes while others have tried to play with a way to increase how we align with the feds. There

have been numerous, numerous attempts to do this. This is similar to an attempt that was in place, it was in law in the late 1990's. Had we stayed with this we would be in a much different place with regards to our tax rates today. One thing that we can't do in this building, and I know that we are all very frustrated with it, is that we don't have the ability to do a dynamic fiscal note. I would suggest that eventually the economy is going to turn around. It may not be tomorrow. It might not be the day after. When it does, this bill will make sure that tax relief for the people of Maine is a top priority. The one thing that this bill has that wasn't in the bill back in the late 1990's is it has a target. It has a clear target of 4%. A target that we can send a message across the country that we are interested in having you move to Maine and we want you to invest in Maine as well. With that, Mr. President, I'd encourage you all to support the pending motion.

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

Senator **JOHNSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, L.D. 849, with Committee Amendment "C", creates an ongoing, unfunded income tax reduction. The problem with that is that it is unfunded. This will ratchet down, leaving only half of that paid for in the following year and none of it paid for in two years. What will the loss of revenue be, I think someone has spoken to some of that, and problems that that will create? This is, in essence, a mini Tabor, something which puts revenue generating capacity on auto-pilot. This auto-pilot has an attitudinal disability. You can only push forward on the stick, never pull back. Maine people have voted against similar proposals three times in the last decade. Maine people have voted, and rightfully so, because with the one-way auto-pilot like that it's not long before you crash and burn. We won't always have a strong economy. When we do get to the point where this kicks in and we have some economic recovery, economies are cyclical. In hard times, the fact that this will be forcing us to have low taxes and continuing to ratcheting them down, this means that we will not, as a Legislature or future Legislatures, have the means to correctly respond to the conditions. L.D. 849 is a zero sum game because it's trading off income taxes for property taxes. It will leave Maine unable to fund the services people expect except through local property taxes. In 2004, sick of education costs being pushed onto property taxes, Maine voters, through referendum, ordered the State to provide at least 55% of the State and local costs of kindergarten through grade 12 public education, including 100% State support for special education services mandated by State or federal law. The Legislature has yet to do so and the ratcheting down effect of this bill and this amendment will interfere with our ability to provide that funding and meet that expectation the people voted for. Under the Maine Constitution, we must repay the unfunded actuarial liability to the Maine Public Employees' Retirement System, yet the formula for doing so has looming balloon payments if we fail to pay it down faster than constitutionally required. The annual payment obligations will increase, not decrease. Under L.D. 849 revenues will ratchet down, not allowing funding to meet those obligations. Every Maine family knows you pay your bills, you make good on your promises before you give up income, and that includes constitutionally required payments to the retirement system. Furthermore, every banker knows that if you don't have a sufficient revenue stream to pay off your debts then you are a poor loan risk. L.D. 849 would place Maine's bond rating at risk,

which means the State's cost of borrowing for all bond funded projects is very much in jeopardy if we pass this motion. Thank you.

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

Senator **COURTNEY:** Thank you Mr. President. Just briefly. This proposal is funded because it only goes into effect after the budget increases the following year. It takes excess revenues, revenues above our cap. A future Legislature, if there was an emergency, could change it. One of the reasons we want that target is because we have that 4% target so something like that doesn't happen lightly. With that, Mr. President, I encourage you all to support the pending motion.

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

Senator **BARTLETT:** Thank you Mr. President. It seems to me the people of Maine have repeatedly had the opportunity to weigh in on whether to put our taxing and spending policies on auto-pilot. Every time they've been asked whether they want to do that they have said no. Yet here we are again with a proposal that would put out tax and spending policies on auto-pilot. I think this approach is reckless because you're looking at whether there is a surplus at the end of a fiscal year without fully considering the impacts on the next budget cycle. We've tried the approach of lowering taxes whether we have the money or not. We've seen this play out at the federal level and saw record surpluses disappear and become record deficits. Why would we want to bring that approach to Maine? If we believe that cutting taxes is important, as I think most of us do, we need to work that into the budget process. We need to understand our full policies and make decisions. The problem I have with this is that it is such a cynical approach. Rather than looking at the budget and saying that we're going to take things out that we don't think are important, we're just going to automatically lower taxes first and then leave it to some other Legislature to pick up the pieces. It's not responsible. It's not fiscally conservative. It's not fiscally responsible. It's simply saying we're going to put future tax cuts on a credit card and leave it to other people to figure out how to pay for them. If we want to lower taxes let's figure out how. Let's figure it out and take responsibility for the decisions that we're making. While we're at it, let's rebalance the tax code so that it's more fairly distributed. The people of Maine have repeatedly weighed in and they repeatedly say no. Let's leave it to the Legislature on an annual basis to make responsible decisions about whether they can afford it. We've just heard that the budget that we have passed in this Body is going to cost us nearly \$600 million in the next biennium. We haven't figured out how to pay for that yet. Let's pay for the tax cuts that we put on the books before going out and offering a new one. Thank you, Mr. President.

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

Senator **JOHNSON:** Thank you Mr. President. I'd just like to comment on whether this is fully funded tax cuts or not and note that, if you read the details of this bill, it only requires that you have sufficient balance in the fund for the tax cut being made in

the coming year and half of the funding for the change in the subsequent year and no funding for years beyond that in the next budget. I don't call that fully funded, not even in the current biennium, when that change goes into effect. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from York, Senator Courtney 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 (#379)

**YEAS:** Senators: COLLINS, COURTNEY, DIAMOND, FARNHAM, HASTINGS, HILL, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBCDEAU, THOMAS, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

**NAYS:** Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DILL, GERZOFKY, GOODALL, HOBBS, JOHNSON, SCHNEIDER, SULLIVAN, WOODBURY

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **COURTNEY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

### READ ONCE.

Committee Amendment "C" (S-427) **READ**.

On motion by Senator **JOHNSON** of Lincoln, Senate Amendment "A" (S-439) to Committee Amendment "C" (S-427) **READ**.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, this is an amendment to maintain the benefits of the circuit breaker program under Title 36, Chapter 907 at the full amount calculated, without any reduction, and to maintain sufficient funding under the State municipal revenue sharing program to provide transfer to local government fund required for distribution to municipalities without any reductions and to ensure that the State's share of the percentage of the total cost of funding public education from kindergarten to grade 12, including the cost of the components of essential programs and services, are funded at 55%. This simply makes us live up to our promises to provide property tax relief before we consider reducing revenue streams that would preclude having the fiscal capacity necessary to honor those promises. This is all about tax relief, but tax relief keeping in mind that there are many people for whom property tax is the greatest burden. What we do in cutting income tax can shift the cost of education to that as well. It keeps in mind that the people of Maine voted in referendum for the State

to fund 55% of their cost of kindergarten through grade 12 education. We need to honor that promise. People have not voted at referendum for this ratcheting down of taxes. They have voted for us to fund their education and I think that it is our obligation to insure that we live up to that expectation of the people and if we're going to undertake this reduction in taxes we undertake it in a targeted way that makes sure that we take care of reducing property taxes in the course of doing so. Thank you.

Senator **COURTNEY** of York moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-439) to Committee Amendment "C" (S-427).

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

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I'll be very brief. I support this amendment in particular because of the component that requires us to meet the obligation of the 55% for K-12 education. We have not done that. It's our responsibility to do that first, to pay that before we reduce the income tax. The people, as my colleague said, voted for that and I think that we must live up to that expectation before we reduce the income tax. Thank you.

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

Senator **COURTNEY:** Thank you Mr. President. I encourage you to support the Indefinite Postponement motion. Obviously, the tax policy is very complicated and it's difficult to do up here. The one thing that I would just reiterate is that during the previous Governor's administration there was the original L.D. 1, there was a cap put in place. It wasn't a Tabor cap. It was a cap to growth of government, in all levels of government. It was put in. It was supported by the previous Majority and the previous Governor and many members of this side of the aisle as well. I think that if we can focus on taking money above that cap and return it to who it belongs to, the people of Maine, I think we would do well and serve the people of Maine well. Thank you, Mr. President.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, if I understand correctly, please correct me if I'm wrong, that was a cap. It wasn't a ratcheting down of a cap, so that it would be continually lower and lower. May I ask a question through the Chair?

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

Senator **JOHNSON:** Thank you Mr. President. Is there is anyone who understand differently L.D. 1's provisions that were just spoken of?

**THE PRESIDENT:** The Senator from Lincoln, Senator Johnson poses a question through the Chair to anyone who may wish to

answer. The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY:** Thank you Mr. President. I do understand quite differently, as do most people who were involved in the creation of the original L.D. 1. There was a cap, but it increased every year. This provision only goes into effect after that happens, so there is, in statute, existing, a growth in government. This takes the revenues above that level.

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

Senator **WOODBURY:** Thank you Mr. President. Senate colleagues, I was involved in the development of the spending growth limits that were imposed in the old L.D. 1. The philosophy behind them was to gradually bring down the overall burden of government over time. We had government at a particular level. The economy grows at a particular level. The spending growth limits created a slower growth, imposed a slower growth, than the growth rate of the economy so that gradually, over time, the burden which had been recognized of government would come down in an orderly, careful fashion. What has happened since then has been the very serious economic challenges that we face nationwide, but particularly in Maine as well, so that the level of government right now is far below what these growth limits imposed. As I suggested in my original remarks, we are in a situation where the structural gap to what we have promised to provide as a government into the future and the amount of revenues coming into State government to support those things, going indefinitely into the future, the gap there is enormous. We've been making it bigger in this Legislature. I just don't think that imposing this additional thing at this time is the sensible way to proceed with our tax policy. I do believe that we can improve our tax system with a reweighting of where the revenues come from in a way that is substantially better for the future growth of this economy. I hugely support some of the goals of what we're trying to put in place here. I just don't think that enlarging this gap between the promises that are made by government and the funding that is available to government is something that we should be doing at this time. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from York, Senator Courtney to Indefinitely Postpone Senate Amendment "A" (S-439) to Committee Amendment "C" (S-427). 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 (#380)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **COURTNEY** of York to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-439) to Committee Amendment "C" (S-427), **PREVAILED**.

On motion by Senator **JOHNSON** of Lincoln, Senate Amendment "B" (S-440) to Committee Amendment "C" (S-427) **READ**.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, amendment S-440 asserts that Maine has its fiscal house in order and that we are flying straight before engaging the auto-pilot with its attitudinal disabilities. The act takes effect 30 days after the Secretary of State certifies the Office of Revisor of Statutes that the bond rating for State issued bonds is within the top two rating tiers of the major national bond rating agencies, the forecast of revenues for the following fiscal year equals or exceeds forecasted expenditures under the Maine Revised Statutes, Title 5, Section 1665, Subsection 7, and that the Legislature has appropriated or allocated to the retirement system for the fiscal year funds sufficient to meet the requirements of the 23 year amortization schedule for the unfunded liability of the retirement system established pursuant to Title 5, Section 17151, Subsection 2. This is a case of making sure that, at the very least, if we enact this that we are not going to do so while imperiling our ability to meet financial obligations that the State has and our ability to have reasonable cost bond issuance to finance capital works and other projects. Thank you.

Senator **COURTNEY** of York moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-440) to Committee Amendment "C" (S-427).

On motion by Senator **SCHNEIDER** 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 (#381)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **COURTNEY** of York to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-440) to Committee Amendment "C" (S-427), **PREVAILED**.

On motion by Senator **COURTNEY** of York, Senate Amendment "C" (S-443) to Committee Amendment "C" (S-427) **READ**.

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

Senator **COURTNEY:** Thank you Mr. President. I appreciate the strong support, the bi-partisan support, in the first round of votes. Often we have an opportunity to make things better. Some of the discussions that have happened in the last few days have given us this opportunity to improve this bill. This amendment has the opportunity to do so. This actually makes the top priority, with the tax relief fund, to fully restore the funding for the circuit breaker. I would encourage all of you to support that.

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:** The Chair recognizes the Senator from Androscoggin, Senator Craven.

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

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

Senator **CRAVEN:** Thank you Mr. President. On this Senate Amendment it just says that there is a fiscal note required and to see attached. I didn't get an attachment. I wonder if anybody could tell me what the fiscal note was. Thank you.

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

Senator **COURTNEY:** Thank you Mr. President. I believe if you flip the sheet over the fiscal note is on the back.

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

Senator **SCHNEIDER:** Thank you Mr. President. I'm not standing to answer the previous question because I think it was on the back of the sheet. In any case, I'm not standing for that purpose. I just wanted to rise. I'm just perplexed as to why we would think that the circuit breaker is more important to the people of the state of Maine when they voted for 55% funding for K-12 education. It seems to have sort of fallen off of our radar as far as making sure do this. When I go out to my district and talk

to people in the district, they are pretty upset with us that we haven't met that obligation yet. Again, it just seems to me that this should be a priority under the Dome and we are not making it one. I think it's unfortunate that that wasn't put into this amendment. If it's good for the circuit breaker than it's good for K-12 education at 55% funded. Thank you.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm pleased that, based on our discussion yesterday, this amendment has been offered to at least improve the bill before us. I, too, am not ready to give up on the concept of fulfilling the people's wish to support 55% of the cost of K-12 education. I will support this amendment because I believe it improves the bill. I was not prepared to offer this amendment myself because I feel that it is less than a half measure. In particular, it is leaving out the funding of K-12 education. Thank you.

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

Senator **BARTLETT:** Thank you Mr. President. I, too, support this amendment. I think the question of the fiscal note on both this and the original proposal are very interesting. I think it tells you all you need to know about the legislation. We are promising the people of Maine tax cuts, tax relief, and it's going to cost us nothing. I think that Maine people are smarter than that. They understand that this is illusory. They will understand that it is illusory. I think we should vote on doing something that's real. Thank you, Mr. President.

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

Senator **SHERMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise with a point of information. I've heard about the 55% issue for years and years and years. As a teacher, it obviously impacts me. I've talked to some folks. If you took the true cost of education, and we do it every year and we pass that, there is the piece that is in the retirement system. That's \$200 million or \$300 million. If you factor that into the cost of education, it should be an honest accounting. I know I'm probably speaking against my own best interest. We're probably at 55% of the State's support of education. We always ignore the fact that check is written to cover the unfunded liability and it's a bigger one now.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just can't help myself. If we were to continue to cut the promise to State workers and teachers, maybe not in this case, and continue to their retirement, we could certainly get that 55% and quite a lot higher a lot quicker.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from York, Senator Courtney to Adopt Senate Amendment "C" (S-443) to Committee Amendment "C" (S-427). 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 (#382)

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

**NAYS:** Senators: None

35 Senators having voted in the affirmative and No Senator having voted in the negative, the motion by Senator **COURTNEY** of York to **ADOPT** Senate Amendment "C" (S-443) to Committee Amendment "C" (S-427), **PREVAILED**.

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Senate at Ease.

Senate called to order by the President.

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On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "C" (S-427) as Amended by Senate Amendment "C" (S-443) thereto.

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The Chair laid before the Senate the following Tabled and Later (3/14/12) Assigned matter:

#### Emergency

Resolve, To Establish a Response Team To Facilitate the Redevelopment of Unoccupied Mills and Other Unoccupied Buildings

S.P. 574 L.D. 1675  
(C "A" S-412)

Tabled - March 14, 2012, by Senator **RECTOR** of Knox

Pending - **FINAL PASSAGE**, in **NON-CONCURRENCE**

(In Senate, March 7, 2012, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-412).**)