

MAINE STATE LEGISLATURE

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responsible for cleaning it up. The spiller is responsible, not the people of the state of Maine.

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

Senator **DILL:** Thank you Mr. President. Men and women of the Senate, if we have a federal statute of limitations that is great and that will protect us, then why do we need a state statute of limitations? If we don't need a state statute of limitations we shouldn't pass the bill. I would simply say to the good Senator from Franklin, Senator Saviello, in his hypothetical, by passing this bill if we were to stop the Senator from Franklin, Senator Saviello, and find out that he was, in fact, indebted to the State with criminal fines amounting to \$100,000, but the statute of limitations had passed, then the State of Maine is out of luck. If we leave things the way they are, and we were to use the Senator from Franklin, Senator Saviello's hypothetical, then we could collect it from him, the responsible party. This is about holding people accountable. It's about having the person responsible for the environmental damage pay to have it cleaned up. I simply do not understand why we want to let someone who pollutes our land, pollutes our air, pollutes our environment, our Maine brand, why we want to let them off the hook. There were two lobbyists for associations. The Senator from Oxford, Senator Hastings was correct, I certainly show that the lobbyists for Maine Pulp and Paper and Maine Energy Marketers Association did testify in favor of the bill. There was not a single individual business or landowner who testified in support and gave us a specific example as to why this very, in my view, damaging bill is necessary. Thank you.

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

Senator **HASTINGS:** Thank you Mr. President. There seems to be concern that people are going to get away with something under this bill. Look at the fiscal note. Not only do these make the responsible party responsible for the clean-up but they are responsible for fines. They go hand in hand. Both the department and the Attorney General have told us that they anticipate no significant impact in fine or penalty revenue. What that means is that they also anticipate no inability to pursue the responsible party within their 6 year gap from the time they learn who that person is. Remember, it's 6 years from when they learn it happened, which may be years after it happened, plus the 6 years doesn't start until they know who it is. The gears of government may grind slowly, but 6 years is a long time to get things moving and I think to suggest that this is going to allow people to escape responsibility is, to me, simply an unreasonable assertion. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Hastings to Accept the Minority 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 (#202)

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

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFSKY, GOODALL, HILL, HOBBS, JACKSON, PATRICK, WOODBURY

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **HASTINGS** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-239) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROSEN** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** 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)

Tabled - June 7, 2011, by Senator **ROSEN** of Hancock

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

(In Senate, June 3, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-154) AS AMENDED BY SENATE AMENDMENT "B" (S-237)** thereto.)

(In House, June 7, 2011, **FAILED FINAL PASSAGE**.)

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

The Chair laid before the Senate the following Tabled and Later (5/24/11) Assigned matter:

HOUSE REPORT - from the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Create Consistency and Fairness in Maine's Bottle Bill"

H.P. 970 L.D. 1324

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-316)**

Tabled - May 24, 2011, by Senator **ALFOND** of Cumberland

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

(In House, May 23, 2011, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-316)**.)

(In Senate, May 24, 2011, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-316) **READ.**

On motion by Senator **SAVIELLO** of Franklin, Senate Amendment "A" (S-275) to Committee Amendment "A" (H-316) **READ.**

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

Senator **SAVIELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, just real quickly. This bill was put in after we had a number of hearings after we inherited the bottle bills from the Environment and Natural Resources Committee. We were trying to address small wine stores that sell boutique wines. They could not enter into the co-mingling agreements, which allows everything to come together. We passed the bill. Unfortunately, the way we wrote it, all of the deposits that you don't take back, the Senator from Hancock, Senator Rosen, takes to put into the budget. When they read it they read it as if we were going to exempt 50% of that, which is about \$6,400. We have now modified it so it clearly addresses those small wine distributors, wine stores, that have these boutique wines. Again, let's hope that they take it all these bottles back because the \$6,000 won't be there anyways. I hope that made a lot of sense. That's what we had to do. Thank you very much.

On motion by Senator **SAVIELLO** of Franklin, Senate Amendment "A" (S-275) to Committee Amendment "A" (H-316) **ADOPTED.**

Committee Amendment "A" (H-316) as Amended by Senate Amendment "A" (S-275) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-316) AS AMENDED BY SENATE AMENDMENT "A" (S-275)** thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

HOUSE REPORT - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Concerning Fees for Users of County Registries of Deeds" (EMERGENCY)

H.P. 1100 L.D. 1499

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-503)**

Tabled - June 6, 2011, by Senator **THOMAS** of Somerset

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

(In House, June 3, 2011, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-503)**.)

(In Senate, June 6, 2011, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-503) **READ.**

On motion by Senator **THOMAS** of Somerset, Senate Amendment "A" (S-280) to Committee Amendment "A" (H-503) **READ.**

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, this deals with the registry of deeds and there has been a problem with the charges that these registrars have been able to charge for copies. After hearing this bill the committee set the charges that these registrars would be able to charge and we set the electronic copies at 50¢ per copy and the paper copies at \$1 per copy. We did not address, in the committee bill, bulk copies or the people who want large quantities. In the original bill what we were trying to do is just cover the costs so that the tax payers aren't burdened with the costs of running the registry of deeds. There are bulk purchases and those have a significant cost and they needed to be addressed. This amendment addresses those and it charges 5¢ a piece for all copies of 1,000 or more digital abstracts of consecutive records. Also we did not address the big copies, the plans. Those need to be addressed. We addressed those in consultation with all the interested parties and came to a cost of \$5 per copy. Everyone has agreed with that. At the same time we've carried over a bill that addresses this same issue and it addresses the fees for recording these documents. We're going to address that in the next legislative year. We put a sunset in this amendment so that we have time to address the whole issue comprehensively and take a look at both sides of the issue, make sure that we've done this properly. There are other people looking at these same issues because of the Freedom of