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The Chair laid before the Senate the following Tabled and Later (6/1/05) Assigned matter:

SENATE REPORTS - from the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Maine Wind Energy Act" S.P. 477 L.D. 1379

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-283)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-284)** (6 members)

Tabled - June 1, 2005, by Senator **BARTLETT** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-283)** Report

(In Senate, June 1, 2005, Reports **READ**.)

On motion by Senator **WOODCOCK** of Franklin, 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 (#222)

YEAS: Senators: **BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, GAGNON, HOBBS, MAYO, MITCHELL, PERRY, ROTUNDO, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS**

NAYS: Senators: **ANDREWS, CLUKEY, COURTNEY, DAMON, DAVIS, DIAMOND, DOW, HASTINGS, MARTIN, MILLS, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, WESTON, WOODCOCK**

ABSENT: Senator: **TURNER**

13 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BARTLETT** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-283)** Report, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-284)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "B" (S-284) **READ**.

On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "A" (S-322) to Committee Amendment "B" (S-284) **READ**.

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

Senator **STRIMLING:** Thank you, Madame President. What this amendment does is it does not supersede any of the bill that we put in place. There is one part of it that is a technical amendment. In the original bill it was supposed to say that we were going to try to combine the technology of cell phone towers with the wind towers. Over in Europe, where they do windmills, they found ways to put the cell phone tower right in the windmill so it saved on the amount of things we have to put up in the sky. The other piece of it that it takes a couple of the pieces from the majority report, one of which is the study, in order to try to figure out how we can overcome some of the additional barriers that exist out there in terms of wind. It basically takes what was good about the majority report and adds it. It does not supersede anything. The core of the report remains the same. The lead sponsors of this bill in the other body were supportive of this as well. Thank you.

On motion by Senator **BRENNAN** 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 Brennan.

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. I hope that you will vote against this amendment so that we can go back and have further discussions about this particular issue. This seems to be a harmless bill, to promote wind energy, that has come before this body. In fact, there is a lot more tied up into it. I don't know if you have looked at the amendment and part of the report. It also calls for the creation of Pine Tree Zones and the utilization of Pine Tree Zones to promote wind energy. I think when Pine Tree Zones were created nobody had the idea that this would be a particular issue to be used for. I hope that you will look closely at this particular amendment. I hope that you will look at this report before you make your decision. Thank you.

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

Senator **BARTLETT:** Thank you, Madame President. I just want to speak briefly on this bill and about the committee process of getting through this bill. From my perspective, our committee was very committed to trying to find a way to promote renewable energies. We've looked at solar. We've looked at the possibility of doing something with wind and all sorts of other renewable energies. We strongly support moving in that direction. We believe we need to do something on wind energy. The problem with this bill and the amendment is that it is not targeting the problem. The key issues that impede expanding wind power here in Maine are two. One, we need to have long term contracts for providers so they know they are going to have a constant market for their product. Two, we need to make sure that there is capital available in order to support putting these windmills in place.

Neither the bill nor the amendment does any of that. What it does do is create Pine Tree Zones for windmills. We're going to innumerable little Pine Tree Zones popping up all over the place for windmills. There has been no suggestion that this is going to, in any way, help to promote wind energy. In committee we talked about it. We said, 'Is there any evidence that this is going to bring a single new windmill on line?' There was no sense that this was what the problem was. The problem is long term contracts and having the money up front. My concern with the bill and the amendment, which I don't believe improves it in any significant way, is that we are not moving towards the ultimate goal of promoting wind energy. This is an illusion. This is an opportunity to say, 'Yes, I voted for wind' with nothing to come of it. What our committee would much prefer to do is come back in January with a solid proposal that will address the two fundamental impediments that are impeding wind power. That is what our committee is reporting. That is what was in the majority report. At this point the amendment to the minority report does not do anything substantial to promote wind power. It could quite possibly do some harm by throwing Pine Tree Zones up all over the state. With that, I would urge you to oppose this amendment.

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. I'm asking you to oppose this amendment. Having been on a committee that helped create the Pine Tree Zones, I'm not sure if I should openly admit that or not. Somewhere, somehow, somebody made the connection with Pine Tree Zones, and they must create a lot of wind so let's put it here. This doesn't do what we need to do and it doesn't do anything that the Pine Tree Zones were designed to do. We talked in the other chamber for the 6 years that I was there, and I have a feeling it hasn't been much different in this chamber, about passing useless legislation just to create a law so everybody can go home and say, 'Look what we did.' We do nothing here. We do nothing about public policy. Please vote against this. Let us reconsider, have more discussion, and go back to come up with a plan that honestly makes sense and moves us ahead in renewable energy sources. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Weston.

Senator **WESTON:** Thank you, Madame President and men and women of the Senate. I found myself on the same side as the good Senator from Cumberland, Senator Brennan, earlier today and now I find myself on the side of the other Senator, Cumberland, Senator Strimling. That's not typical. You do have a choice before you. The choice is do you just do another study or do you allow some people who are ready to move ahead with community wind projects to start and allow a study to also conveniently work within those projects? If you want to do nothing, then you can just go for the study. There are people who are ready to move ahead with community wind. This amendment would allow them to do that on a small scale. I'm willing to allow that project to happen and allow it to move forward. There are people who are ready and there is a piece of the study that can go along with this. From the bills that I've talked about previously in this week that I seemed to be on the wrong side of, we want to save energy and we want to look at a wonderful energy policy for

the future. Well, here is our chance. You have the good Senator and myself saying this is a good thing. Just consider it. Thank you.

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

Senator **MILLS:** Thank you, Madame President, men and women of the Senate. I think that the motion on the floor is to put a study provision onto the minority report. It was the minority report, itself, that I have heard debated for the last 10 minutes. Just speaking from my own perspective, I don't think I object to the pending motion. I was stirred by the points made by those who oppose the underlying report. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Strimling to Adopt Senate Amendment "A" (S-322) to Committee Amendment "B" (S-284). 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 (#223)

YEAS: Senators: ANDREWS, CLUKEY, COURTNEY, DAMON, DAVIS, DIAMOND, DOW, HASTINGS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, WESTON

NAYS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, GAGNON, HOBBS, PERRY, ROTUNDO, SULLIVAN, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: TURNER

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **STRIMLING** of Cumberland to **ADOPT** Senate Amendment "A" (S-322) to Committee Amendment "B" (S-284), **PREVAILED**.

Senator **BRENNAN** of Cumberland moved to **INDEFINITELY POSTPONE** Committee Amendment "B" (S-284) as Amended by Senate Amendment "A" (S-322) thereto.

On further motion by same Senator, 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 Kennebec, Senator Cowger.

Senator **COWGER:** Thank you, Madame President and colleagues in the Senate. I happen to be an owner of a wind turbine. I don't know if you would call it a community wind turbine or not. I don't think the definition is in any of the legislation or

amendments we are considering. I hope you will support the pending motion so we can go on and reconsider once again the majority report of the committee. If you climb the hill behind the State House and look over, I'll bet you can probably see my wind turbine in the distance. I, for one, don't think Maple Hill in Hallowell needs to become a Pine Tree Zone to help support community wind. As the good Senator has said, we need access to capital. I was fortunate enough to fund a portion of this wind turbine with a low interest loan program that the State of Maine has through the Public Utilities Commission. It has very limited funds. It was only for a small portion of my project. That is exactly what the state needs to get community wind on its way. We don't need to be creating Pine Tree Zones throughout the state. That's not what I need to have this project go forward. I think another 6 months delay and an additional study on this topic will bring forth a lot more information so we can make a much more educated and informed choice in the next session. I hope you will support the pending motion. Thank you.

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

Senator **STRIMLING:** Thank you, Madame President. I encourage my colleagues to defeat the motion to indefinitely postpone. There are a lot of aspects of this bill. I'm not exactly sure why we didn't debate them when we were first on the minority report. I guess we now want to talk a little bit about it. We do set up some Pine Tree Zone incentives for folks who are building small community wind projects. This is not the big stuff. This is helping small businesses to be able to do some of the community wind. We also put some important goals in place into the law, 300 megawatts over the next 5 years. That is the equivalent of getting rid of 100,000 cars off our highways and reducing the pollutants in our air. All of Europe is well ahead of us on this issue. I daresay we should not be waiting another year, which is how long it will take for us to get the report and to put legislation through, before we start doing stuff. We know what needs to be done. The PUC did a report that came out with some pieces. This takes some of that, it takes what is best from the majority report and the minority report, and puts it together so that we can get some action in place and look at some of the other impediments so we can move forward. I strongly request, as I mentioned, Madame President, that people reject the motion to indefinitely postpone.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Weston.

Senator **WESTON:** Thank you, Madame President. I would like a Pine Tree Zone over the entire state. That is what I would like. There is a definition for community wind power generation. It means an electricity generating facility at any one sight with instantaneous generating nameplate capacity of not more than 10 megawatts and is powered entirely by wind energy.

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

Senator **BARTLETT:** Thank you, Madame President. I appreciate the good Senator from Waldo, Senator Weston, bringing up the definition of community wind. I'd like to know for how many of you that made any sense? Community wind. It is

basically a windmill. If you put up a windmill, you are a community wind site and eligible for a Pine Tree Zone. This is bizarre. This is not wind energy policy. I don't know what this is, but this is not a sound energy policy. This is not promoting renewable energy. The good Senator from Cumberland, Senator Strimling, made reference to the 300 megawatts requirement. In committee we asked over and over again, 'Where did that 300 megawatts number come from?' We need to have some target, so let's pick 300. It's as good as any. Again, does that sound like good, rational, sound policy? Should we at least figure out what a reasonable approach before we commit ourselves to heading a path to 300 megawatts, which may be way too little or way too much? Finally, if you want quick action on promoting wind energy, I can guarantee the one thing that this bill and this amendment does not do is give you quick action on wind energy. It does not solve the two problems that are facing wind energy producers. There is no money for revolving loans. There are no long term contracts. We are not authorizing anyone to enter into a long term contract. It's not getting you there. We must have a much more sound approach before we start putting into law these arbitrary provisions dealing with Pine Tree Zones, 300 megawatts, and community wind. This is a very strange concept that we are putting into law. Remember, this is going into the statute books. This is what the policy of the State of Maine for renewable energy is. We're going to be the laughing stock of the rest of the country when they see this is our renewable energy policy. It's not sound policy. It's not the way to go. I urge you to support the motion to indefinitely postpone.

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

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. My memory of the Pine Tree Zone benefits are that they are principally two in number. One of them is that you don't have to pay the sales tax on the equipment that is located within the Pine Tree Zone. The second thing is that you get a refund of a major portion of your withholding taxes that are paid to those employed within the zone. I haven't seen too many people wandering around the base of these windmills being employed. I suspect that the only benefit that they would get would be a forgiveness of the sales tax on the purchase of the machine. I guess a more direct way to create the incentive would simply to be to declare these things exempt from sales tax. That would get you there without having to have Pine Tree Zones, or whatever they are, around them. The other awkward part of the Pine Tree Zone system is that the person making the investment has to declare, if not under oath at least in some solemn way, that the investment would not have been made were it not for the availability of the incentives within the Pine Tree Zone. In order words, some developer would have to come in and say, 'I'd like to have a windmill but I surely am not going to have a windmill unless I get out from paying the sales tax on the equipment.' Somebody can say that, and I rather suspect that there are many business people who are writing such letters over to DECD to get whatever inducements they are dangling out lately. I do have to agree with those who say that the Pine Tree Zone incentive isn't particularly meaningful in this context. I question whether it is sincerely available. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Brennan

Indefinitely Postpone Committee Amendment "B" (S-284) as Amended by Senate Amendment "A" (S-322) thereto. 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 (#224)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, GAGNON, HASTINGS, HOBBS, MAYO, MILLS, MITCHELL, PERRY, ROTUNDO, SCHNEIDER, SULLIVAN, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAMON, DAVIS, DIAMOND, DOW, MARTIN, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, STRIMLING, WESTON

ABSENT: Senator: TURNER

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator BRENNAN of Cumberland to **INDEFINITELY POSTPONE** Committee Amendment "B" (S-284) as Amended by Senate Amendment "A" (S-322) thereto, **FAILED**.

On motion by Senator BRENNAN of Cumberland, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "B" (S-284) as Amended by Senate Amendment "A" (S-322) thereto.

The Chair laid before the Senate the following Tabled and Later (6/1/05) Assigned matter:

An Act Relating to Disclosures in Political Advertising
H.P. 771 L.D. 1118
(C "A" H-451)

Tabled - June 1, 2005, by Senator GAGNON of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, May 26, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-451)**, in concurrence.)

(In House, June 1, 2005, **PASSED TO BE ENACTED**.)

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

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Require Publicly Funded Entities To Report Undocumented Illegal Aliens"

H.P. 732 L.D. 1079

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-581)** (5 members)

Tabled - June 2, 2005, by Senator WESTON of Waldo

Pending - motion by Senator BRENNAN of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, June 1, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 1, 2005, Reports **READ**.)

On motion by Senator WESTON of Waldo, 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 Oxford, Senator Hastings.

Senator HASTINGS: Thank you, Madame President, ladies and gentlemen of the Senate. I won't take long with this, but I do want to explain this bill. This bill, as proposed, was an attempt to balance our need for vigilance in our national security against the rights of those who have immigrated into our country illegally. Since 9/11 we all have to be aware of the unfortunate need to be careful, to watch for illegal immigrants or terrorists entering our borders illegally. The bill, as originally written, went way too far. It required any member of a public or private organization receiving state funds to report to Homeland Security if they believed they had come into contact with somebody who was in this country illegally. I think we agreed in committee that this went way too far. We're not trying to create witch-hunts here. We're not trying to create that type of intrusion. The minority report, with the amendment that I hope you will support if you will oppose the pending motion, backs that off substantially. It simply says that if a member of a public or private organization that receives state funds knows that he has come into contact, the operative word is knows, and knows as a fact that he has come into contact with an undocumented illegal alien, he or she will report that to Homeland Security unless that information was privileged due to the position, perhaps as an attorney or something like that. All it says is that if you are a public official and you know that you have come into contact with an undocumented illegal alien you will let Homeland Security know. That is the long and the short of it. We have to face the fact that there will be some intrusions in individual rights if we are to protect our national security. Where you draw the line, you'll have to decide. I think the minority report, as amended, is a reasonable approach. Thank you.

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