

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

First Regular Session
December 3, 2008 to June 12, 2009

Pages 1 - 1159

Senator **BARTLETT** of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator **RAYE** of Washington was granted unanimous consent to address the Senate off the Record.

On motion by Senator **BARTLETT** of Cumberland,
RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Implement Tax Relief and Tax Reform"
H.P. 1051 L.D. 1495

Committee on **TAXATION** suggested and ordered printed.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

READ ONCE, without reference to a Committee.

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

Senator **PERRY:** Thank you, Madame President. Ladies and gentlemen of the Senate, this is tax reform once again. It is my intention to be brief but eloquent and informative. I'm just going to run through the changes. I think we heard all the pieces of L.D. 1088 the other day. I just want to go over some of the changes in this new bill. L.D. 1088 eliminates the alternative minimum tax but it did not eliminate a credit we had on the books that was a companion piece, \$2 million. We eliminated the alternative minimum tax. It made sense to go ahead and eliminate that credit that was no longer needed. It adds up to \$150 refundable earned income tax credit. We all agree that this is a huge piece that is added to this bill in a very positive direction. It does remove some of the revenue from this bill. We now removed the increase in the real estate transfer tax that was in L.D. 1088 on the portion of the home that was over \$500,000. This new bill also eliminates activity-based recreation and amusements, things that get us out there and moving. Skiing, golfing, bowling, etcetera. It makes clear that health clubs and lessons like dance, music, theater, and gymnastics are not taxable. They never were under L.D. 1088 but we're going the extra mile to make it clear that they are not taxable. Horses, there was some speculation that horses would be taxable. Horse services. They are not

taxable under L.D. 1088 or this particular bill. We increased by a couple of million bucks what we're going to put into tourism for the state of Maine. We've always argued that regionally, compared to the other states in New England, we were not funding tourism promotion to the level we should. We're going to kick that up a couple of million bucks. I can't think of a better time to do it with the economy the way it is and all the efforts to keep tourists within their home states, keep tourists local, and keep Mainers here in Maine. There couldn't be a better time to do that. The question may be raised as to how to pay for all these positive changes. It is with a surcharge of .35% on incomes in excess of \$200,000. That's where the money comes from. If you earn under \$200,000 nothing changes on the income tax side unless you are one of the lucky recipients of the refundable earned income tax credit. Above \$200,000 that .35% is only the money in excess of \$200,000. As we all know, at those incomes and above is where the real benefit from that rate reduction kicks in and you are still far better off under this new proposal than our existing tax code. I would urge we adopt this bill and start saving money for the folks in Maine. Thank you, Madame President.

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

Senator **NASS:** Thank you, Madame President. Ladies and gentlemen of the Senate, may I pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **NASS:** Thank you, Madame President. For those of us who are no longer in the loop, not that we were in the beginning, for those of us who can't figure what's going on here, I think L.D. 1088 is on the desk of the Chief Executive. There has been a flurry of activity, some in writing. Now we have a new bill. They largely overlap. My question is, what is the intent? What's going to happen with these two bills if we pass this one?

THE PRESIDENT: The Senator from York, Senator Nass poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Perry.

Senator **PERRY:** Thank you, Madame President. With passage of this bill there will be no need for L.D. 1088 and it could be dispensed with in a number of ways, I suppose. We will figure out one of them or the Chief Executive will. This encompasses everything we need.

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

Senator **NASS:** Thank you, Madame President. Ladies and gentlemen of the Senate, my criticism of the prior bill has only grown with this one. We, unfortunately from the Minority standpoint, did not get a chance to participate as fully as this kind of a change would warrant. I came up here in debate on the last bill and admitted, reluctantly, that I was ashamed to say I really didn't know what was in it. Having served on the Tax Committee for five years, I did not have any idea as we got into amusements and taxing, especially into the very aggressive sales tax area, what was really going to happen to our people. Now we have

some changes made. I was going to say a few minutes ago that my copy was still warm. It's not warm any more. We've had a few minutes. It's not very cold. There are changes and I don't know what we're doing here. I know even less than before. My criticism is that. My criticism is that we don't know what we're doing. Our plan, apparently, is that the Revenue Services, the aggressive tax collectors that we have hired and pay and want to be aggressive in this state, are going to be up and operating when this becomes effective in October and certainly by January. The Tax Committee is planning to start meeting with them in November to work out some of these things. I'll tell you, most of our working out stuff with Maine Revenue Services has been pretty antagonistic. That's where they do one thing, we disagree, and they tell us that if we want to fix it we've got to pay for it. It's hardly a recipe for working out these problems. Maybe things will be different this time. I kind of feel that you are not going to like the results of that.

To be more specific, if I can, I've asked to have passed out a copy of the old fiscal note. You have, on the bill, the new fiscal note. There are substantial differences I can't explain. I don't know how they got there or why they are there. I'm just going to deal with a few details. Some are very similar, because I notice we haven't fixed some of the things that we pointed out last time. For instance, we still have not dealt with the fact that we're no longer taxing non-residents as far as their income goes. That's in another amendment sitting on your desk. It's to a different bill that is in the unfinished business, item number three. A technical changes bill. The other part of the problem that is dealt with in that amendment is horses, because the people that developed this bill and Maine Revenue Services thought that horses were pets. Apparently we're going to just declare in this amendment that horses are pets and therefore boarding, feeding, and whatever else we do with horses, shoeing them I guess, putting saddles on them, won't be taxable if we adopt this other amendment, which is sitting on your desk someplace. We're talking expensive stuff here. This bill does not fix that. As near as I can figure out, I couldn't find it but I didn't have much time to look, those two things. By the way, the non-resident tax thing is worth \$90 million a year. That is 10% of our revenue from the income tax that comes from non-residents. That is not inconsequential. Hopefully we'll fix that someplace.

Let's go to some of the specifics. Again, I apologize. These are repeats because I don't know what's in this thing. Candy. I was criticized after I brought up candy last time because it's so small. We should be focused on the economic benefits of changes. Certainly the capital gains benefits and reducing the income tax. That is true. Let me tell you, candy is not inconsequential because what we are doing to candy is similar to what we did with the snack tax, which took us years to get rid of. You are going to have a repeat, on perhaps a somewhat smaller scale, of the snack tax. People are not going to understand. If you don't think they will notice when they buy a candy bar what they are paying I think you are mistaken. They are not going to understand that when they buy a Twix bar it's taxed at one rate but when they buy a Hershey bar it's taxed at a higher rate. It has all the elements of the snack tax. Certainly smaller in scope and lack of understanding. We have not done anything it appears, because I can't find it anywhere, with the nursing home problem. Somebody that now makes a modest income and currently has large medical deductions, itemized deductions, is now going to pay more. As I said before, these are the same people, there are not many of them left, that we whack with the service provider tax

because they appear to be eligible for that. Now we're going to ask them to contribute more. There are not a lot of them. There are not many left. Of course the thing that we, in the small amount of time we had left to deal with this in committee, talked a lot about the tax on auto repairs. Any time you broaden or increase the sales tax most of what you are doing is very regressive. This is probably the most regressive thing that will come out of this. When you couple that with the changes in this bill, the fact that we are now going to not tax ski tickets and golf rounds, it does add up to a situation where Joe Six-Pack who wants to take his kid to the movies and stops on the way for a candy bar, or maybe he's just going to McDonald's but the car breaks down on the way, all of those activities are going to be taxable. The family that is going to Sugarloaf for the weekend in the Lexus, which is in good shape, has now been relieved of any broadening of the tax problem by virtue of this change. Finally, there is the confusion over what is amusement, which might be considered a movie, bowling, golf, skiing, or that kind of stuff which is what most people would consider an amusement type of activity, and the exemption from this increased tax for health related issues. The health club, which we got a lot of push back on three years ago, is not going to be taxed if you can show it's health related. If it's not, and it's an amusement thing, it is going to be taxed. We're going to spend years trying to sort that mess out. Everybody's going to claim their activity is health related. Welcome to tax reform. Thank you, Madame President.

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

Senator **TRAHAN:** Thank you, Madame President. Ladies and gentlemen of the Senate, I just want the legislative record to reflect the new record that we are going to be setting here today. I was listening on the intercom when this bill was being debated in the other Body. I didn't remember the bill so I went down and asked what they were doing. They said, 'We're doing tax reform.' The number wasn't L.D. 1088. I asked, 'How long have you had this bill in the chamber?' Several members said it was thirty seconds. Wow. Must be a one-pager. No, it is 34 pages. I said, 'I have longer to read a greeting card than this 34 page bill.' Coincidentally, I happened to be in the Secretary of the Senate's Office when this printed bill arrived. I documented the time. It was 4:12 this afternoon. Again, a 34 page document. Still hadn't been circulated. I believe this document has been on your desk for less than an hour, well maybe over an hour. I believe that sets a new record. I also want to remind you that we are currently fixing mistakes we made in the first bill that we ran through here so quickly. I don't like this kind of process. I think we should have had a little more time to absorb this bill. I will guarantee you, folks, that we'll be back again fixing this bill. I don't think it's good process for the people of Maine and I certainly don't think it's good tax reform policy.

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

Senator **BARTLETT:** Thank you, Madame President. Men and women of the Senate, I want to respond to a couple of the criticisms that I've heard today, namely that there was not enough time. Every member of this Body is in possession of the same document that we are voting on. I remind members that over the course of the session bills come to the floor and amendments get

printed, some by the members who are now criticizing this bill. They get distributed on our desks and we're asked to review them and to vote on them fairly quickly. That's the way the process works in this building. Everybody was distributed a fully complete copy of this bill. There is also, handily, a summary at the back which explains that these are the elements contained in L.D. 1088 with nine specified changes, and specifically articulates them there. From that it is very easy, if there is any one that you are concerned about, to flip through the bill and find that particular piece that you are concerned about. Everybody in this chamber has had the same opportunities to review the elements of this bill, which is a House document, and an opportunity to review it and critique it. In fact, I've been very impressed at the level of critique in light of the concerns about not being able to know what is in the bill. I also will echo some of what I said when we debated the last bill, that is that I am appreciative of the fact that members on both sides of the aisle want to see the income tax reduced. I continue to try to extend my hand, and the hand of our members, to try to do that collaboratively. The reality is that we've gotten a lot of resistance. What I find ironic is that we're hearing criticisms that they didn't have input into the drafting of the document, which is L.D. 1088 with a few changes, from people who opposed L.D. 1088 and made it clear that they think they are not ready to do this kind of tax reform this session. The reality is we've passed a bill, L.D. 1088. There were some concerns, some changes, and we worked with others who share our goal of passing this bill and we've come back with something that we believe we can support. That's what this is about. This is about whether we're going to lower the income tax rate and whether we are going to tolerate some modest expansions to the sales tax and some other changes in order to accomplish that. That's what this bill does. That's what L.D. 1088 does. I would encourage your support.

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

Senator **COURTNEY:** Thank you, Madame President. Men and women of the Senate, I extend my hand and I have extended my hand. I think we've been very responsible in our process. I guess the issue that I find so difficult is when you walk through the halls of this building and along the different floors and you look at the changes in this document and you look at the people standing outside the door of the people making the decisions. You look at how, all of a sudden, the ski lift tickets are out. Lawyers have been out for a long time. They were out probably early in the year. We talk about the benefit. A couple of years ago the Chief Executive put forward a proposal to reduce the income tax. He wanted to reduce it, I believe and I'm going from memory, from 8.5% down to 8%. He did it by suspending the automatic indexing. In some cases it was actually a tax increase for some people. When you look at the handout put out last week by the Majority office in the other Body and you look at the miniscule amount of money that people were actually going to get for tax relief and you divide it by 52 weeks you see that in some cases you have a family of five getting less than \$1 a week. I think you know that the same smoke and mirrors are going on. I think that there are people that think that we can sell this across the country, saying we've reduced the income tax but, by the way, you're going to pay close to the same. I don't believe it meets the straight face test, in my opinion. I believe we can do better. I think for this session we have worked very hard to extend our hands across the aisle and when we come to a loggerhead we

continue to try to work together but this is a product, as we saw with the original L.D. 1088, of one side just bullying ahead with something and not being willing to do the hard work to get both sides so we can benefit all the people of Maine.

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

Senator **PLOWMAN:** Thank you, Madame President. Men and women of the Senate, when we debated L.D. 1088 just last week the Senator from York, Senator Nass, stood and pointed out that we were repealing the tax on out-of-state residents. Not once but twice did he point that out to the members of the Taxation Committee and the people who were working on it. We were assured that this was, in deed, not the case. When I've been told I have an hour, and I should feel very comfortable reading the summary of the bill, excuse me if I say I'm not even at the trust but verify stage. I have read it and it is a major shift. I'm thinking about businesses who lease. There is a businessman who leases \$1 million worth of equipment a year. His cost of business on January 1st will go up \$50,000. I'm thinking of friends of mine who own a print shop. They lease every single piece of equipment that they have. Xerox machines that run \$100,000 and \$300,000 for a color one. He gets his first monthly bill for that lease and there is a 5% sales tax on it. He's not here today. The single Mom with the broken down mini van. She's not here today. She has to get her car fixed. The person who works in an executive position has to have their suits dry-cleaned. Businesses hire accountants. It's been a shift. I found it incredible when I read that discretionary spending such as skiing and bowling. Discretionary. There are all kinds of ways to work out. That's gone. Yet we're still taxing the very necessary things that have to be done in order to get to work, stay at work, have your home repairs done and run your business. We're hiring, I believe, eleven new people to administer this. I have a hard time telling my constituents that they will get a \$2 a week or a \$4 a week benefit from this bill while we pay the average State worker about \$60,000 to \$80,000, depending on the position. I have a hard time telling my people that itemizing, that used to help them, is gone for this return so they will need to pay what they did save to do the itemizing for the federal return. I have a hard time telling my people that it took us all year, all year, to arrive at this place with a combination of three bills that may or may not be signed, and that may or may not have the effect that we want. Do I want income tax relief? Yes. Do they want income tax relief? Yes. Do you know what they asked you to do? Quit spending. They didn't say to go down there and make up a bunch of tax credits that they will have to try to figure out. They didn't say to go down there and make it so they are going to save \$2 extra a week. They would have told you to stay home and save the \$30,000 a day. I'm not voting for this. I hope to God there is no people's veto because if anything I think the people of the state of Maine should have to live with this. If we can't turn it down they should absolutely live with the work product that this has brought. Thank you.

Senate at Ease.

Senate called to order by the President.

Under suspension of the Rules, **READ A SECOND TIME.**

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 York, Senator Nass.

Senator **NASS:** Thank you, Madame President. Ladies and gentlemen of the Senate, these revelations are coming, because this is so new, as we sit here and listen. I just want to mention one other thing that is a mystery to me. When we discovered in L.D. 1088 that we were missing the authorization to collect income tax from nonresidents we walked away from that thinking that it was a statutory problem and the fiscal note people did not make that deduction. There was no fiscal note problem. Whether that was true or not, that was kind of the assumption that I made. Now we have the new bill and we have not fixed this nonresident income tax problem, which Revenue Services has told me is worth \$90 million a year. We see nine changes here with relatively small adjustments but I should see a \$90 million difference, I think. I don't see it. My question, I guess, is I'm still dumbfounded as to this fiscal note. We probably are going to fix this nonresident income tax problem. It's around here someplace. The fix is in. The fiscal note doesn't reflect that in what we are currently voting on, Madame President. Again, I would urge that this thing be voted down and we try to do something different that makes more sense. Thank you.

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

Senator **COURTNEY:** Thank you, Madame President. Men and women of the Senate, when I was up earlier I did forget to comment on one thing. I know the good Senator from Penobscot mentioned about being eloquent and informative. I just wanted to say that I believe that he's much more informative than he is eloquent. Having said that, I'm wondering if I might pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **COURTNEY:** Thank you, Madame President. I am trying to follow this through the fiscal note. I think that when you get something at the last minute it's usually the first place I try to look. It appears that there is an increase, I believe, from the original L.D. 1088 for the tourism fund. Tourism in 2010 and 2011 is \$2.8 million and it jumps up to \$4.3 million. I'm not sure how to characterize this increase for the tourism fund. Does that mean that the tourism fund has enough money now and the tourism industry is supportive of this process? What is the case with it? Thank you.

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

Senator **PERRY:** Thank you, Madame President. Ladies and gentlemen of the Senate, I did kind of move quickly, but eloquently, I will admit through the changes and I didn't realize we were going to get into a substantial debate over it because it is L.D. 1088, that we all have had for a long time, we debated for hours, and have discussed in length since, with some pretty clear changes. I've heard a lot today and I'm not sure all of it adds up to what's really in here. We went to great lengths through the hours and hours and hours that we worked this bill. This bill originated with tax reform from two years ago that we had 46, I think, public work sessions on. Both sides supported it in committee. It was an 11-2 bipartisan, tripartisan, with one Independent report. That was the starting point for this. We continued to work throughout the year. We made sure leasing was not taxable. We made sure we weren't laying new expenses on businesses. When the question was raised about non-Maine residents paying taxes, it was clear that in the fiscal note and everywhere else that this was not the case. I went to the Revisor's Office and to our analyst and was assured that all the structure of tax policy, the fiscal analysis and the intent of the bill was to continue to tax non-Maine residents and share the benefits with Mainers. In a belt and suspenders approach, we did one word, impose was stricken, and we are going to put that word back into the technical changes bill. I don't think anyone downstairs feels it necessary. We're still taxing non-Maine residents but it can't hurt to put it in there. We'll go ahead and do it.

If you just take a look at the snapshot of where our tax code is today and what people are paying, then take a snapshot of L.D. 1088 as we passed it, and then the same thing with the changes that are here now, you'll see significant improvements with the refundable earned income tax credit, with 89% of Mainers getting overall tax reductions versus 84%. If you just look at the analysis, this goes beyond what L.D. 1088 did with tax relief for Mainers, particularly on the lower end. When you look at the fiscal analysis, it comes down to either we trust Dr. Mike Allen and his team at Maine Revenue Services and their multi-million dollar computer and sophisticated software that tells us that after all the new taxes are imposed people see burden reduction. It might only be a couple of bucks a week. The structural changes of this go well beyond the dollars people are saving. It is important to the State of Maine that we put a better face on our tax policy. Remember all those years when we were labeled the highest tax state in the nation and what that did for us? Lo and behold, we find out we're not. It was the way they ranked us. We're at the middle of the pack. We're 3/10% above the national average but we still live with that stigma of being the highest tax state in the nation. I can guarantee that with the \$500 million we cut out of this budget, while every other state in the nation is raising taxes to meet their budget gap, we're going to be below the national average. That 8.5% rate still stands out nationwide as too high and this brings us down to the middle of the pack and really changes the face of Maine. Everything we are doing is cumulative. This is one step in the right direction that we are going to build on in two years. I believe if you really study it the way the committee has you'll find out that this is not the case. We know it's not the case. The Tax Committee is going to be on top of this as it is implemented and we're going to make sure it's implemented right and the people of Maine win. Madame President, I would move we pass this right now.

THE PRESIDENT: The Senator from York, Senator Courtney, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **COURTNEY:** Thank you, Madame President. I wish I was so eloquent. I guess, with your permission, I'd like to pose another question through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **COURTNEY:** Thank you, Madame President. I'll try to rephrase it because I lost it in all the eloquence. In the fiscal note, why was the tourism line increased from the previous version of L.D. 1088?

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

Senator **PERRY:** Thank you, Madame President. Ladies and gentlemen of the Senate, I think it's no secret that one of the major underpinnings of this proposal is increasing the meals and lodging tax from 7% to 8.5%. We were the lowest in New England at 7%. Clearly we are the most desirable destination in New England. It was below New Hampshire, below Vermont, below Massachusetts, and Rhode Island. It brings us up to the New England norm. We'll still be the second lowest. We don't know what New Hampshire is going to do. They are talking about going to 8.75%. That is where we get so much of our exportability, 70% exportable on rooms and 30% on meals. All that money shared with just us. That money is shared with us here in Maine. We're not gouging anyone. We're in line with the rest of New England. The fact that we are relying on that industry for a lot of the exportability and the burden reduction we get, this was a change that did not come from me, it came from within this Governor's bill, and I can only imagine he felt like it was the right thing to do to put a little more money into tourism. It's probably good business as well. Let's keep people here in Maine. Let's bring people here to Maine. I'm all for it, putting a couple of million bucks into tourism because if you look at the numbers that is money well spent.

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

Senator **PLOWMAN:** Thank you, Madame President. I'm not sure if that is money well spent because the State of Maine could just adopt what New York did when we did a similar provision. They said, 'Come to New York, stay for three but pay for four.'

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

Senator **BARTLETT:** Thank you, Madame President. There has been seething criticism of various pieces of this amended version of the bill. I thought it was important to mention a few of the points and reasons why I support it and try to help others understand the theme that is going into these nine bullet points you see in your summary. First and foremost, the new exemptions from sales tax deal with recreation, physical fitness,

and outdoor activities; the very kinds of activities we want to be promoting. For example, we're talking about not only skiing and golf courses, which were mentioned, but a wide variety of other things from bowling to skating rinks to gymnasiums, tennis, and racket ball courts. It also specifies that exempted are health and fitness centers and lessons, dance, music, theater, arts, gymnastics, martial arts, and other athletic pursuits. What we're talking about here is removing the tax and making clear that exempt from taxation are those kinds of physical activities that we want to be promoting and that we believe perform the health promoting underpinning of our economy.

Secondly, as has been mentioned, we are increasing the funding for tourism. I can't think of a better time, given the current economic climate and given the propensity of people to make shorter trips closer to home, to promote Maine as a great tourism destination throughout New England, Canada, and around the country. We're giving them more money to promote those assets that are driving the Maine economy.

Thirdly, we're instituting a refundable earned income tax credit. This is helping people who are working, who are struggling to get by, who are struggling to work, and helping them at a time when wages are low, when it's hard to find work, and when they do we are going to help to reward them for their efforts.

Finally, this package increases the overall progressivity of the income tax system. I think that's important because the people who most need relief are working, middle class Maine people. This package, by becoming a little bit more progressive than we were talking about before, will give more benefits to them. That is what this is about. That is why we have an amended version. That is why this is better than the product we debated before. I urge your support.

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

Senator **GERZOFSKY:** Thank you, Madame President. Ladies and gentlemen of the Senate, I hate to get up so often on this one subject but this is my third time in eight years. I'm a little bit confused, a little bit bewildered. I know what is in this bill. I'm a furniture maker. I've been here eight years. I know what's in this bill. I didn't go to law school to find out what's in this bill. It's easy to read. The only two new things I see in this bill are the surcharge on people earning over \$250,000 and an earned tax credit. That must be driving these people on this side of the aisle just holy bejesus because they seem to be whining about it a lot tonight. Excuse me, Madame President, I'll slow down because I want to be precise in what I'm saying. I'm very concerned about the redevelopment of the air station that is going to close in my district and going to affect the state of Maine dramatically. They are going to close down in a couple of months. When they do there are going to be 6,000 people leaving the state. Last week when we voted on this bill I heard from the Redevelopment Authority. They said the biggest single best thing the State of Maine has done to help redevelop that base was cutting income taxes. They can go around the country and help sell businesses moving to Maine. They said that is the biggest single thing we can do here in the Legislature for them. I can't, for the life of me, understand why it's causing so much heartache when you're going to add a surtax on people making \$250,000 and when you are going to give people that are going to work every day, working their hearts out at one, two and three jobs, an earned tax credit. I can't, for the life of me, understand why we are debating this.

There is nobody in this room that hasn't known how they are going to vote on this last week or this morning. It hasn't changed. We've taken out one thing and added another. It's not rocket science. We're making things better for the people of Maine. We're making things better for the business people in Maine. I might get excited about that, but I think it's a good thing to get excited about. Madame President, thank you very much for your patience. I thank this Body for their patience in hearing my little tirade but let's get off the kick of we don't know what's in this bill because there is nothing in this bill we haven't debated. There is nothing in this bill that hasn't been through the committee. There is nothing that hasn't been vetted except for the part about \$250,000 income and the part about the earned tax credit. Thank you very much.

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed. 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: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, CRAVEN, DAMON, GERZOFISKY, GOODALL, HOBBS, JACKSON, MARRACHE, MILLS, NUTTING, PERRY, SCHNEIDER, SIMPSON, SULLIVAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: COURTNEY, DIAMOND, GOOLEY, HASTINGS, MCCORMICK, NASS, PLOWMAN, RAYE, RECTOR, ROSEN, SMITH, TRAHAN, WESTON

ABSENT: Senator: DAVIS

EXCUSED: Senator: SHERMAN

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, was **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

Ordered sent forthwith to the Engrossing Division.

Senate at Ease.
Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Emergency Measure

An Act Regarding Maine's Energy Future
H.P. 1038 L.D. 1485
(H "A" H-540)

In House, June 10, 2009, **PASSED TO BE ENACTED**.

In Senate, June 11, 2009, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

Senator **BARTLETT** of Cumberland moved the Senate **RECEDE** and **CONCUR**.

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#203)

YEAS: Senators: ALFOND, BARTLETT, BLISS, BOWMAN, BRANNIGAN, BRYANT, COURTNEY, CRAVEN, DAMON, DIAMOND, GERZOFISKY, GOODALL, HASTINGS, HOBBS, JACKSON, MARRACHE, MCCORMICK, MILLS, NUTTING, PERRY, RAYE, RECTOR, SCHNEIDER, SIMPSON, SULLIVAN, TRAHAN, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: GOOLEY, NASS, PLOWMAN, ROSEN, SMITH, WESTON

ABSENT: Senator: DAVIS

EXCUSED: Senator: SHERMAN

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with 6 Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, the motion by Senator **BARTLETT** of Cumberland to **RECEDE** and **CONCUR**, **PREVAILED** and the Bill was **PASSED TO BE ENACTED** and having been signed by the President, 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:

PAPERS FROM THE HOUSE

Non-Concurrent Matter