

STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Thursday
March 29, 2012

Senate called to order by President Kevin L. Raye of Washington County.

Prayer by Pastor Angela Tarbox of Corinna United Methodist Church.

PASTOR TARBOX: President Raye, Senators and distinguished guests, my neighbors, we are gathered in this place to serve all the people of this great state of Maine. On behalf of the Corinna United Methodist Church I would like to thank you for inviting me to lead you in prayer. I consider it an honor and a privilege to be here with you this morning. Will you please join me as we invite the guiding spirit of God to be with you in your work this day.

Creating and Sustaining God, we offer You praise and thanksgiving for all the blessings You have bestowed upon these gathered here. Help us all to be good stewards of Your gifts so that we might use them to ease the suffering of those around us. Grant these women and men wisdom to discern the best path to follow and patience with one another as they work together to find that road. Make their way clear and smooth. Remind us always that we were created to worship You and to love our neighbor as we love ourselves. Teach us to be true servant leaders in the example of Your son, Jesus. Hear also the individual joys and concerns that fill each heart assembled here and grant them Your peace. At the end of this day or this journey, we ask that You keep us safe when it is time to return to our homes. All of these things we pray in the holy name of Christ and with the power of the Holy Spirit. Amen.

Pledge of Allegiance led by Senator Rodney L. Whittemore of Somerset County.

Reading of the Journal of Wednesday, March 28, 2012.

Doctor of the day, A. Jan Berlin, MD of Portland.

The President requested the Sergeant-At-Arms escort the Senator from Hancock, Senator **LANGLEY** to the rostrum where he assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **BRIAN D. LANGLEY** of Hancock County.

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1406

JOINT RESOLUTION TO PROMOTE CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS

WHEREAS, Chronic Obstructive Pulmonary Disease, or COPD, is a term used to describe an airflow obstruction disease that is associated mainly with emphysema and chronic bronchitis; and

WHEREAS, COPD affects an estimated 24 million people and kills more than 120,000 Americans every year; on average, one person dies from COPD every 4 minutes, an alarming statistic for a disease many have not learned about; and

WHEREAS, in 2010, the federal National Center for Health Statistics released a report stating that in 2008 COPD became the 3rd leading cause of death in the United States; and

WHEREAS, pulmonary experts predict that, by 2020, COPD will become the 3rd leading cause of death worldwide; and

WHEREAS, COPD currently accounts for 1,500,000 emergency room visits, 726,000 hospitalizations and 8,000,000 physician's office and hospital outpatient visits, all of which are a detriment to the United States economy, and COPD costs the nation an estimated \$42,600,000,000 in direct and indirect medical costs annually; and

WHEREAS, research has identified a hereditary protein deficiency called Alpha-1 Antitrypsin; people with this deficiency tend to develop COPD, even without exposure to smoking or environmental triggers; and

WHEREAS, recently the death rate for women with COPD has surpassed the death rate for men with COPD; women over the age of 40 are the fastest-growing segment of the population developing this irreversible disease; and

WHEREAS, there is currently no cure for COPD; spirometry testing and medical treatments exist to identify and address symptoms and possibly slow the progression of the disease; and

WHEREAS, until there is a cure, the best approaches to preventing COPD and its considerable health, societal and mortality effects lie with education, awareness and expanded delivery of detection and management protocols; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fifth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to encourage more awareness of this deadly disease

and its effects on the citizens of this State in order that we may reduce future cases of Chronic Obstructive Pulmonary Disease.

Comes from the House, **READ** and **ADOPTED**.

READ and **ADOPTED**, in concurrence.

Off Record Remarks

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Ensure Funding for the Victims' Compensation Fund"

H.P. 1362 L.D. 1841

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-834)**.

Signed:

Senators:

MASON of Androscoggin
WHITTEMORE of Somerset

Representatives:

PLUMMER of Windham
BLODGETT of Augusta
BURNS of Whiting
LONG of Sherman
MORISSETTE of Winslow
SANDERSON of Chelsea

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senator:

GERZOFKY of Cumberland

Representatives:

CLARKE of Bath
HANLEY of Gardiner
HASKELL of Portland
LAJOIE of Lewiston

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-834)**.

Reports **READ**.

On motion by Senator **MASON** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-834) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Comply with the Health Insurance Exchange Provision of the Patient Protection and Affordable Care Act"

H.P. 1098 L.D. 1497

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-840)**.

Signed:

Senators:

WHITTEMORE of Somerset
SNOWE-MELLO of Androscoggin

Representatives:

RICHARDSON of Warren
FITZPATRICK of Houlton
McKANE of Newcastle
MORISSETTE of Winslow
PICCHIOTTI of Fairfield

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

BEAUDOIN of Biddeford
BECK of Waterville
GOODE of Bangor
MORRISON of South Portland
TREAT of Hallowell

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-840)**.

Reports **READ**.

On motion by Senator **WHITTEMORE** of Somerset, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Promote Agricultural Activity in Maine by Limiting the Liability for Agritourism Activities"

H.P. 1214 L.D. 1605

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-839)**.

Signed:

Representatives:

NASS of Acton
BEAULIEU of Auburn
FOSSEL of Alna
MALONEY of Augusta
MOULTON of York
SARTY of Denmark
WATERHOUSE of Bridgton

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senators:

HASTINGS of Oxford
DILL of Cumberland
WOODBURY of Cumberland

Representatives:

MONAGHAN-DERRIG of Cape Elizabeth
PRIEST of Brunswick
ROCHELO of Biddeford

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-839)**.

Reports **READ**.

Senator **HASTINGS** of Oxford moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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 PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Dill.

Senator **DILL:** Thank you Mr. President. Men and women of the Senate, I just want to point out that the title of this bill suggests

that its passage will do wonderful things for small business and for farmers and should be passed. However, I voted against it in committee because it simply doesn't really do anything to protect small businesses beyond how they are already protected now. In the regular courts, if you are going to bring a claim against a farmer who, say for instance, has a maze, a corn maze or something, the farmer is not responsible or liable unless there is a duty of care, that duty is breached, and you can establish that there was some sort of harm. That's a basic negligence claim. This bill says that farmers are immune from liability unless they are negligent, which is already the case. It's not a question of not wanting to help farmers or to promote tourism business. It is already the case, that unless you are negligent you're not going to be held responsible in a lawsuit. That's why, in the committee, I didn't support it and I just wanted to put that on the record and to explain that to people. Thank you.

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

Senator **HASTINGS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I share the opinion of the Senator from Cumberland, Senator Dill, on this issue. I am not opposed to agritourism. Let me tell you that, ladies and gentlemen. I support our agricultural community and their efforts to grow their business through utilizing their farms and their properties for other businesses such as the corn maze, the pick-your-own, and those types of activities. Ladies and gentlemen, the bill before us today, the Majority Report, does not protect farmers. I am concerned that, if we were to enact this bill, we would be sending a false sense of security, a message of a false sense of security, to our farm community. If you were to vote against the pending motion you would then be dealing with a bill that, on its face, says it limits liability of farmers conducting, or ranchers, apparently, farmers and ranchers, those that we have in Maine that conduct agritourism businesses from liability caused by the inherent conditions of a farm such as: surface and subsurface conditions; the behavior of animals, including and not limited to the depositing of manure; and the ordinary dangers of structures or conditions ordinarily used in farming. That makes pretty good common sense. The bill goes on to say that an agritourism operator cannot be found liable for somebody injured as a result of those inherent risks. Then it goes on to say, under the exceptions paragraph, that there is no limit of liability if the injury is caused by an act or omission that constitutes negligence of the operator. Men and women of the Senate, that is the law as it exists today. We are providing no additional comfort or protection to the agritourism operator under the Majority Report. I am concerned that if we send this message that we are somehow telling that industry that they have some protection from liability from their own negligence and they do not. If we pass this bill it does no harm, but it has no effect at all. I can assure you that the plaintiff's bar is not concerned about this bill. It doesn't effect or it doesn't make it harder or easier for them to recover should somebody be injured by the negligence of an agritourism operator. Ladies and gentlemen, perhaps there are things we could do and should do to promote the agritourism industry in Maine, but this is not one that accomplishes anything to promote that industry. I urge you to support the pending motion. Thank you.

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

Senator **SHERMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, three things actually. We don't usually talk about the actions of the other House, but I think it was 115 to 26 down there. What bothers me, because we're going to have to remember this is an agriculture bill, is that some said there was a false sense of security. In Aroostook County guys are handing millions of dollars worth, about \$150 million in fact. I don't think they are looking for a false sense of security. West of here you have the Timberlake Apple Orchards. Those are six figures out there, seven figures. I don't know if they are worrying about a false sense of security. Actually they are looking to protect themselves from lawsuits. Be careful how lawyers talk to you. I've only seen two lawyers get up on this, and that's not demeaning. I'm considered half a lawyer in that caucus. I'd also note the ski areas have a limited liability. I'd maybe suggest that we strip off the limited liability for ski areas in western Maine if that is giving them a false sense of security. On the land, I own some farm land. On the farm land we allow four-wheelers to go across. There is an issue there of protection of liability. They are to stay on the trails. You don't run into the trees. You don't run into our farm equipment. They are protected. We are protected for allowing people to come across the land. Snowsleds, four-wheelers cross. There are other folks that have protection. I have protection if someone comes on my land. Basically, I've not created a hazard but there is a hazard there. I understand that. If I dig a hole on my land and someone falls in that, there are certain members of the bar that may well show up. I won't go into the details on this, but you do have maple syrup folks involved in this. You have others. Maybe it is a false sense of security. I don't think so. You look at a gentleman in the eye, and he's handling several million dollars, that's not someone who worries about a false sense of security. He's worried about protecting his assets. I am going to vote against this as a motion and I would ask you to also.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I'm very glad that the Chair of the Agriculture, Conservation and Forestry Committee spoke in opposition to the pending motion. I found it interesting that the Senator from Oxford said it really doesn't matter if we vote for or against this bill. I would suggest that the Senator change his motion and concur with action of others under the Dome. I was speaking with colleagues this morning about it and the bill was referred to as a "feel good" bill. I would suggest that if you vote for the pending motion you're going to make the lawyers feel good, but if you want to vote against the pending motion you'll make the regular working farmer feel good. That is because they will feel a much better sense of security. If somebody goes onto their property and starts fussing around with, for example, a beehive, that they assume that responsibility if they get stung by that bee. We have forgotten what personal responsibility is about in this country. I've heard from farmers about this bill and they are unanimously in opposition to this motion. I join them in that and I hope that you will join me in opposing the pending motion. Thank you very much.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, agritourism is a growing business. Tourism is an important business to the state of Maine, as is farming. I would like to see more tourists come and spend time on our farms and actually see how milk is produced, how potatoes are produced, or how maple syrup is produced. If you know anything about farming, you know it can be dangerous work. If you've ever been around a Jersey bull, it would be awfully easy to get hurt by some of those. It wouldn't be negligence of any kind on the farmer's part. Farmers get hurt every day through no negligence of their own. It's dangerous work. I guess, for me, I am sending a message when I vote against the pending motion. Give me a choice between farmers and lawyers and I'll pick farmers every time.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, do the Senate Rules permit a Senator to ask to have his seat location changed? I concur with the remarks of my friend from Oxford, Senator Hastings. When you talk about who's going to be happy or sad with this bill and you talk about the plaintiff's bar, I just want to point out one thing. There are a lot of lobbies in this building. The lawyers have lobbies. The farmers have lobbies. Businesses have lobbies. Paper companies have lobbies. There is one group that doesn't have a lobby in this building. That is the future victims of America because we don't know who they are going to be. It could be one of us. It could be someone in your family. It could be one of your friends or constituents. Before we start and are so anxious to say that no one should be able to be covered because a lawyer might be involved, just keep that in mind. More to the point of this bill, this bill is three pages long. It accomplishes absolutely nothing. It seems to me one of the things we ought to agree on, as a Senate, is that we're not going to further fill up a huge set of books we have of laws now with others unless they accomplish something. I think it is the wrong thing to do, to send a false sense of security to anyone on any issue. This bill won't help bring down insurance rates a penny for any farmers because of the language that the good Senator from Oxford, Senator Hastings, pointed out which says, "Nothing in subsection 1 prevents or limits the liability of a professional if the professional commits an act or omission that constitutes negligence." That's the law now. That's the law after this passes. It won't change a thing. If we want to be in the business of passing "feel good" laws we can do so, but to me it seems better policy to only pass laws that make a difference. Thank you, Mr. President.

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

Senator **JOHNSON:** Thank you Mr. President. I am neither a farmer nor a lawyer. Frankly, I haven't heard from any lobbyist on this, but I have heard from people in my own district that are involved in farming. They want to have, just as ski businesses have, the point that they should be able to expand their business, expand that tourism interest in their state and discovering actually how and where food is produced and feel that they have

recognition from us as to what the dangers are and where the liabilities are in regards to that activity. I think this, even if as a lawyer you understand that in your opinion it does nothing, does serve to clarify for that portion of our business in this state how the law does apply. At the very least it accomplishes that. Thank you.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, once again, I just would like to let people know there are lots of things that we do, that we pass under the Dome, that make us feel good. We pass legislation, for example, on a march, the Dirigo March. We have passed legislation just like this for the equine industry. The same sort of legislation. We have passed the same sort of legislation. The same protections exist for people when they buy a lift ticket going up skiing. The same kind of protections that these folks are asking for we've already given out to others. I don't think there is anything wrong with voting against the pending motion. There are a lot of people who agree with me and I hope you will too. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Oxford, Senator Hastings to Accept the Minority Ought Not to Pass 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 (#403)

YEAS: Senators: ALFOND, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFSKY, GOODALL, HASTINGS, HILL, KATZ, MCCORMICK, ROSEN, WOODBURY

NAYS: Senators: BARTLETT, COLLINS, COURTNEY, FARNHAM, HOBBS, JACKSON, JOHNSON, MARTIN, MASON, PATRICK, PLOWMAN, RAYE, RECTOR, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, THE PRESIDENT PRO TEM - BRIAN D. LANGLEY

ABSENT: Senator: SULLIVAN

13 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **HASTINGS** of Oxford to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE, FAILED**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-839) **READ** and **ADOPTED**, in concurrence.

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

Senate

Ought to Pass As Amended

Senator MARTIN for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Protect Native Landlocked Salmon Fisheries in Schoodic and Seboeis Lakes from Invasive Fish Species"

S.P. 643 L.D. 1849

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-496)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-496) **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.

Senator COLLINS for the Committee on **TRANSPORTATION** on Bill "An Act To Provide a Temporary Registration Plate to Certain Members of the Armed Forces"

S.P. 672 L.D. 1896

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-498)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-498) **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.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Define Cost Responsibility for Transporting Deaf and Hard-of-hearing Students to the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf"

S.P. 637 L.D. 1839

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-497).**

Signed:

Senators:

LANGLEY of Hancock
MASON of Androscoggin
ALFOND of Cumberland

Representatives:

RICHARDSON of Carmel
JOHNSON of Greenville
MAKER of Calais
McCLELLAN of Raymond
NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass.**

Signed:

Representatives:

EDGECOMB of Caribou
LOVEJOY of Portland
McFADDEN of Dennysville

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Reports **READ.**

On motion by Senator **MASON** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-497) **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.

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Lower the Price of Electricity for Maine Consumers"

S.P. 648 L.D. 1863

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-494).**

Signed:

Senators:

RECTOR of Knox
BARTLETT of Cumberland

Representatives:

FITTS of Pittsfield
BEAVERS of South Berwick
CORNELL du HOUX of Brunswick
DION of Portland
HINCK of Portland
LUCHINI of Ellsworth

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-495).**

Signed:

Senator:

THIBODEAU of Waldo

Representatives:

CRAY of Palmyra
DUNPHY of Embden
HAMPER of Oxford
LIBBY of Waterboro

Reports **READ.**

Senator **THIBODEAU** of Waldo moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-495)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-495)** Report.

Off Record Remarks

All matters thus acted upon were ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by President Pro Tem **BRIAN D. LANGLEY** of Hancock County.

ENACTORS

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

Emergency Measure

An Act To Allow for a Contingency Fee Agreement with a MaineCare Program Integrity Recovery Audit Contractor
S.P. 539 L.D. 1629
(C "A" S-470)

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

Ordered sent down forthwith.

Emergency Measure

An Act To Expand the Availability of Natural Gas to Maine Residents
S.P. 543 L.D. 1644
(C "A" S-461)

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I rise upon the enactment of this important legislation to clarify any potential confusion that might arise from the nature of the statutory subsection we are amending. The name of the subsection refers to "Energy distribution system projects". In the case of gas utilities, there are two types of gas utilities regulated by the PUC. Under the PUC statutes, there are pipeline gas utilities which transport gas between one city or town and another city or town, usually via larger pipes, and there are distribution gas utilities that provide service to customers in a particular city or town, usually by smaller pipes or mains. Pipeline utilities also have the obligation to provide gas to the distribution utilities. For purposes of financing under the FAME statute, the term "energy distribution system projects" is intended to include both distribution utilities and pipeline utilities. The wording of the FAME statute itself, which refers to an energy distribution system project as a project which "distributes or transmits natural gas", should be clear as to its broader meaning. Thus, it was clear to the bi-partisan Majority that natural gas pipeline projects, such as the ones that have proposed for the Kennebec and Penobscot River valleys, would be among those kinds of projects eligible for financing if they pass FAME's scrutiny. Mr. President, I thank the good Senator from Waldo, Senator Thibodeau, and his committee for their work on this important legislation. As the Senator remarked earlier this week, this bill is an important first step in reducing energy costs for Maine. Thank you.

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

Ordered sent down forthwith.

Acts

An Act To Establish a Dental Adjudicatory Panel System
S.P. 301 L.D. 955
(C "A" S-482)

An Act To Impose a Penalty for Making False Claims Regarding Affiliation with a Federally Recognized Tribe
H.P. 1201 L.D. 1595
(C "A" H-821)

An Act To Restrict Further the Amount of Methamphetamine Precursors That May Be Bought or Sold
H.P. 1266 L.D. 1714
(C "A" H-822)

An Act To Amend the Maine Wild Mushroom Harvesting Certification Program
H.P. 1343 L.D. 1823
(C "A" H-823)

An Act To Amend the Laws Concerning Municipal Inspections of Establishments
H.P. 1369 L.D. 1851
(C "A" H-824)

An Act To Clarify the Regulation of Private Natural Gas Pipelines
S.P. 660 L.D. 1883
(C "A" S-479)

An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs after Its Review of the Maine Health and Higher Educational Facilities Authority Pursuant to the State Government Evaluation Act
H.P. 1401 L.D. 1899

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

Ordered sent down forthwith

An Act To Limit Payment for Care and Treatment of Residents of State Institutions
S.P. 538 L.D. 1628
(C "A" S-468)

On motion by Senator **ROSEN** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

Resolve

Resolve, To Require Rulemaking Regarding Standing To Appeal in Proceedings before the Board of Environmental Protection and the Maine Land Use Regulation Commission

S.P. 546 L.D. 1647
(C "A" S-464)

FINALLY PASSED and having been signed by the President Pro Tem was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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 (3/15/12) Assigned matter:

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Ensure Harvesting of Timber on Land Taxed under the Maine Tree Growth Tax Law"

S.P. 459 L.D. 1470

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-441)** (11 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - March 15, 2012, by Senator **ALFOND** of Cumberland

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

(In Senate, March 15, 2012, Reports **READ**.)

On motion by Senator **COURTNEY** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-441) **READ**.

On motion by Senator **JACKSON** of Aroostook, Senate Amendment "A" (S-458) to Committee Amendment "A" (S-441) **READ**.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, we've heard a lot of discussion about Tree Growth currently and of course I've had a lot of interest in Tree Growth plans for a long time myself. I tried to attach labor issues to Tree Growth. Part of my concern with Tree Growth is the fact that I live in a town that has the most Tree Growth acreage of any town in the state of Maine. I think, for the most part, the people that have Tree Growth in my town are doing it under what we all think is possibly the intent of the program. That's not the case all the time. An article that was written recently titled "Is Tree Growth Tax Break A Scam?" Some of the people that spoke in there talked about exactly why I think this amendment that I'm presenting would help. It says, "The requirement is that the primary use of the property has to be for the growing of trees for commercial forest products, says Don Mansius, Director of Forest Policy Management for the Maine Forest Service. Realistically, at some point in the course of that forest's life the forest is going to get cut, but the management plans are secret which Mansius says is a provision that protects proprietary information that a forester wouldn't want his competitors or customers to know. Some say that leaves municipalities with no way to determine if a plan is being followed or if a property owner is simply dodging taxes." I think this amendment cuts right to the heart of what was stated in that article. I listened quite intently during the hearing and the work session on this bill and I took what was said in that work session to heart and tried to craft an amendment that got at the problem that we're talking about but also took care of people that were in Tree Growth and that had actual concerns with proprietary information. My amendment says that the amendment would begin January 1, 2014 and requires a landowner who participates in the Maine Tree Growth Tax Law Program to file a copy of the plan instead of sworn statement with the municipal assessor for the municipality in which the land is located or the State tax assessor for the property located in the Unorganized Territory. The plan becomes public upon filing, except for proprietary information, which is what we heard from some of the major opponents to this. They were afraid of proprietary information being divulged. I'm fine with that being redacted from the plan or whatever needs to happen. I also had discussions with a forester for the Irving Company, which is the largest land owners in the state and owns all the Tree Growth in the town I live in. They said that they don't understand what the problem is with not having Tree Growth plans public. They don't feel that there is any proprietary information in their plans that they are really worried about getting out. For all the discussion about how this plan shouldn't be public because of proprietary information, the largest landowner in the state doesn't feel that that's a problem. Even if it was, this amendment takes care of that issue because they don't have to give their proprietary information if they do feel there is any in there. What it all comes down to, in this climate of transparency and making sure that people actually know what's going on. I think that it is very, very appropriate for a tax program that people in the state of Maine, who make up the difference for, and it's significant, have the opportunity to at least look at the plan and see if there is going to be any benefit to what they are spending their tax dollars making up. I just can't see why anyone would be against allowing this transparency, especially whenever it's coming out of everyone else's pocket. I think that there is

obviously a cure for this. If the people that are in Tree Growth don't want to show the plans to the public then they shouldn't be taking the public's money whenever they are getting their taxes reduced. If anyone wants to go back home and say that it's okay that we take your tax dollars but we show you absolutely no benefit to the program because you can't ever see the plan, that's fine. Go ahead and go back home and campaign on that. Thank you very much.

Senator **COURTNEY** of York moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-458) to Committee Amendment "A" (S-441).

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

Senator **COURTNEY:** Thank you Mr. President. Men and women of the Senate, this bill is created to quantify the abuses, or potential abuses, in the Tree Growth Law. I think what the good Senator has put forward is somewhat of a presumption, so I think it's getting out in front of the process a little bit. I think that I'm disappointed because I think that there's going to be a vehicle that would work better to address these concerns coming later on. I think, at least prior to the good Senator getting up with his comments, there was an interest on our side of the aisle to work with him on that.

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

Senator **SAVIELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just want to concur with my leader. I will offer to the good Senator that I will work with him because I do have some agreement on the two issues that I think are of concern to him. I just don't think it fits here. Thank you very much.

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

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I'm going to be standing here in opposition to this Indefinite Postponement. I think my colleague from Aroostook actually laid it out really well. In a recent article in the newspapers it said that Maine was 46th in the nation in transparency. We have a tax problem in the state of Maine. We have a revenue problem in the state of Maine. If it can bring fairness, I will take transparency each and every time. With that, I'll be voting in opposition to the Indefinite Postponement. Thank you.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I'm just a little bit perplexed at the motion that was made. I'd like to pose a question through the Chair.

THE PRESIDENT PRO TEM: The Senator may pose her question.

Senator **SCHNEIDER:** Thank you Mr. President. What I'm confused about, or what I need more explicit information on, is if this is not the right time, right now, then how could we later on be having another vehicle for the very same thing that we're trying to do here? That would be my question. It just doesn't make sense to me. It's not the right time yet we're willing to work to get to the right time this session? I don't understand that and I'd like to just continue and say that we know there's a problem with the Tree Growth because there has been a lot of discussion on it. We know that there are abuses. How do we address those? It seems to me that this is a perfect time to address with this amendment. I'm a little bit confused about why. If not now, then when?

THE PRESIDENT PRO TEM: The Senator from Penobscot, Senator Schneider 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. Men and women of the Senate, as I mentioned earlier and as I mentioned to the good Senator from Aroostook in the well, there is another bill coming forward and I think that that would be more appropriate to have that amendment on that. I think there has been a positive response for the Senator's amendment from this side of the aisle. I think there is genuine interest in trying to find a way to do something going forward. This bill, from our perspective, is not the bill to do it. This bill is clearly a very strong report. The next one is quite strong as well. This bill really deals with identifying the existence of a problem or the existence of things that are going on that shouldn't be within the Tree Growth Program. I hope that answers your question.

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

Senator **RAYE:** Thank you Mr. President. I rise as the sponsor of this bill. I believe that I can also help to address the question of the Senator from Penobscot. The measure before us, as amended by the Committee Amendment, calls for an evaluation of the program. The reason that I brought this bill forward is that I have some very grave concerns about the Tree Growth Program. At the same time, I recognize that it is an extremely valuable tool that is important to many Maine forest product manufacturers. It does create an important supply of lumber and fiber that keep Maine people working. We want to be certain we don't throw the baby out with the bath water. What we have reached, in terms of this Committee Amendment with a very strong report, I believe it was a 12-1 report, is to proceed with an evaluation. This will require a random sampling of some of those properties that have raised the greatest questions. In my area, the reason that the Tree Growth Program has become very controversial is that we have many folks who live on either the ocean or inland lakes who have property that is very valuable who are in Tree Growth and there is a perception, right or wrong. That's what this is all about, to do this evaluation to get to the bottom of what is really happening. Are the perceptions correct? Are there explanations? Are there problems that need to be corrected? We'll get to the bottom of it. It was something that had a great deal of discussion

with the stakeholders and the small woodlot owners of Maine, Maine Forest Products folks, and the Maine Municipal Association who worked very hard to come up with something that they, as well as the Maine Forest Service, could all get behind and are in agreement that we want to understand. Are these perceptions are correct? Is there a significant problem? Is so, what should we do about it? The difficulty that I have with the amendment from the Senator from Aroostook is that it leaps ahead of that process and putting it into this bill, which is simply a bill to require an audit. I am not unsympathetic, as the good Senator knows from our discussion off the floor. I am not unsympathetic to what he is getting at. A couple of my concerns around the Tree Growth Program have to do with the secrecy of these plans. There may be a vehicle that would be appropriate for this. I don't think it is this vehicle for the simple reason that this is asking for an evaluation, directing an audit occur, and in my mind this is not an appropriate vehicle to make the sort of change that this amendment would make. I support the motion before us and urge members to Indefinitely Postpone this amendment, knowing that there can be another discussion on a vehicle that we know will be before us.

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

Senator **BARTLETT:** Thank you Mr. President. I've heard some good points on both sides of this issue. I am particularly pleased by a couple of members who have expressed a willingness to continue working on this issue through another bill. It occurs to me, though, that we're making decisions here without the full information. We know that there is an effort to bring forward other legislation that might address these concerns. It just seems to me that before we vote on this we should get that other bill up here to see it. I can't make a motion, having spoken, but it seems to me that tabling this matter so that we can deal with this together and have full information. I would hate to Indefinitely Postpone an amendment only to find out that the other effort didn't come before us for whatever reason. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I just rise to clarify a couple of issues on the amendment here. I've heard very valid arguments from both sides of the aisle. This is a very tense issue in my district as well. This amendment is prospective. It makes accommodations for reports being filed in the future. It's not talking about in the past. It's not about penalties. I think it corrects it going forward. I think that is the position that the Legislature should be in. I also join with the Senator from Cumberland and his remarks. He recognizes that he is unable to make the tabling motion, so am I now since I've been debating it. The point is that this amendment is not about an audit. It's not about going after people. It's about in the future they would have to file a report after 2014, or update a report, and at that point it would become public information. That is the approach we should be taking on these issues, in my opinion, and that's all this amendment does. Thank you, Mr. President.

Senator **BARTLETT** of Cumberland moved to **TABLE** until Later in Today's Session pending the motion by Senator **COURTNEY** of York to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-458) to Committee Amendment "A" (S-441).

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 (#404)

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

NAYS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, MARTIN, MASON, MCCORMICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, THE PRESIDENT PRO TEM - BRIAN D. LANGLEY

ABSENT: Senator: SULLIVAN

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BARTLETT** of Cumberland to **TABLE** until Later in Today's Session pending the motion by Senator **COURTNEY** of York to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-458) to Committee Amendment "A" (S-441), **FAILED**.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I would just say that I appreciate the opportunity to possibly look at this down the road. From what I understand, the other bill in question is even more contentious than this one. Not being on that committee but knowing how bills can seem to fold up whenever more people start opening them up, I just think that it's appropriate for this one. I guess it just comes down to the fact that by taking away all proprietary information it is appropriate that taxpayers, who are footing the bill for this, have the opportunity to look at it every once in a while. That's why I support the amendment and I hope the rest of us will too for the taxpayers of the state of Maine.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from York, Senator Courtney to Indefinitely Postpone Senate Amendment "A" (S-458) to Committee Amendment "A" (S-441). 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 (#405)

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

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

ABSENT: Senator: SULLIVAN

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **COURTNEY** of York to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-458) to Committee Amendment "A" (S-441), **PREVAILED**.

Committee Amendment "A" (S-441) **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/28/12) Assigned matter:

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, To Amend the Pilot Project for Independent Practice Dental Hygienists To Process Radiographs in Underserved Areas of the State (EMERGENCY)

S.P. 669 L.D. 1891

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-489)** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-490)** (4 members)

Tabled - March 28, 2012, by Senator **THOMAS** of Somerset

Pending - motion by Senator **RECTOR** of Knox to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-490)** Report (Roll Call Ordered)

(In Senate, March 28, 2012, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#406)

YEAS: Senators: ALFOND, COLLINS, COURTNEY, DIAMOND, GERZOFKY, GOODALL, HOBBS, JACKSON, KATZ, MARTIN, PLOWMAN, RECTOR, ROSEN

NAYS: Senators: BARTLETT, BRANNIGAN, CRAVEN, DILL, FARNHAM, HASTINGS, HILL, JOHNSON, MASON, MCCORMICK, PATRICK, RAYE, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - BRIAN D. LANGLEY

ABSENT: Senator: SULLIVAN

13 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **RECTOR** of Knox to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-490)** Report, **FAILED**.

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-489)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-489) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-489)**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/28/12) Assigned matter:

HOUSE REPORT - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, pursuant to the Maine Revised Statutes, Title 5, section 8072, on Resolve, Regarding Legislative Review of Chapter 26: Producer Margins, a Major Substantive Rule of the Maine Milk Commission (EMERGENCY) H.P. 1341 L.D. 1819

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-841)**

Tabled - March 28, 2012, by Senator **SHERMAN** of Aroostook

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

(In House, March 27, 2012, Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-841)**.)

(In Senate, March 28, 2012, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-841) **READ** and **ADOPTED**, in concurrence.

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

Senate at Ease.

Senate called to order by President Pro Tem
BRIAN D. LANGLEY of Hancock County.

The Chair laid before the Senate the following Tabled and Later (3/28/12) Assigned matter:

JOINT RESOLUTION - Memorializing The President And The Congress Of The United States To Support The Completion Of The Keystone XL Pipeline

S.P. 676

Tabled - March 28, 2012, by Senator **COURTNEY** of York

Pending - motion by Senator **COURTNEY** of York to **ADOPT**

(In Senate, March 28, 2012, on motion by Senator **COURTNEY** of York, **READ**.)

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

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

Senator **BARTLETT:** Thank you Mr. President. I rise in opposition to this Resolution for a number of reasons. First and foremost, this is asking Congress to bypass the normal review and approval process. Why in the world would we want to skip the environmental review on something this large, this big, especially since the impact could be catastrophic? The Keystone I pipeline has had 35 spills since 2010. That's one hundred times what the company had projected at the time. We're talking about a very real threat to the environment with spills. In this case, the spill could contaminate up to 4.9 billion gallons of ground water with a known carcinogen. The impact could be catastrophic. That's why you have an environmental review. That's why we make sure you are avoiding the most sensitive aquifers. That's why you make sure that there are good contingencies in place. What we seem to be asking is for Congress to suspend that review process and move something forward. Second, the economic impact is overstated and the Joint Resolution, in my view, gets it wrong. According to Trans-Canada, this pipeline will relieve an oversupply of tar sands oil in the Mid-West and help increase their price to the equivalent of imported gas. The goal of this is not to get tar sands oil into the United States. They can already do that. The goal here is to get it through the United

States and to the coast where it can then be shipped to Latin America and Asia. That will allow them to again relieve the oversupply that's keeping prices in the Mid-West down and get this onto the world market where prices will rise. Once we do get this tar sands oil to the coast, we will see cost in the Mid-West rise dramatically. American farms in the mid-West can expect to see an increase in their expenses of \$15 billion in 2013. That's a huge economic impact, especially given that we know it's going to lead to higher prices, not lower prices. Third, why is this important to Maine? There is no particular or peculiar benefit to the state of Maine from this pipeline going through. It will not lower any costs in Maine. It will not create any jobs here in Maine. It is, however, remarkably similar to a draft Resolution put forward by the American Legislative Exchange Council, or ALEC. Guess who's a big funder of ALEC? Big oil. Big oil wants this. They want Resolutions passed all over the country because it's good for them. It's good for their bottom line. They are not doing this because they think it's good for America or good for the state of Maine. They are doing it because it helps them make more money by getting oil from one foreign country through ours to other foreign countries. This isn't about helping America. Forth, why are we singling out this of all projects if we really want to create jobs in Maine? We should every day pass a Resolution imploring that Congress increase their highway funding to repair our broken roads and bridges. We should be asking them to help us rebuild all our schools in Maine and across the country. We should be asking them to invest in energy efficiency which will put people to work here in the state of Maine and around the country today. If you want to create jobs in Maine, have the federal government do more to help our homes and businesses use less energy. That is a win-win for everyone. I believe we, here in the Maine Legislature, should maintain our focus on creating jobs here in Maine, not seeking to score political points in the middle of a big national election year. That's all this will do. This is not to benefit the state of Maine. This is to allow us to engage in discussions that are reserved for Congress. Thank you, Mr. President.

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

Senator **WOODBURY:** Thank you Mr. President. This is clearly a very complicated issue that has not yet been evaluated carefully within this Body. For that reason, I would move that we commit this S.P. 676 to the Committee on Energy, Utilities and Technology to conduct a more thorough evaluation before we vote on it here on the floor. Thank you.

Senator **WOODBURY** of Cumberland moved the Joint Resolution be **COMMITTED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**.

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 (#407)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFKY, GOODALL, HILL, HOBBS, JACKSON, JOHNSON, PATRICK, SCHNEIDER, WOODBURY

NAYS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, MARTIN, MASON, MCCORMICK, PLOWMAN, RAYE, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, THE PRESIDENT PRO TEM - BRIAN D. LANGLEY

ABSENT: Senators: RECTOR, SULLIVAN

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **WOODBURY** of Cumberland to **COMMIT** the Joint Resolution to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY, FAILED.**

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I'd have to concur with the good Senator from Cumberland, Senator Bartlett, on his comments. I think there is a lot of political motivation to this Resolution, and after yesterday and being in a position of being in the silly part of the session, I really don't think we need any more of these silly Resolutions. I also think that, from the standpoint of looking at it with the overall benefit to the citizens of the United States of America and especially the citizens of the state of Maine, the bang for the buck is not there with us when you compare it to the amount of potential damage to the environment. I know one of the things near and dear to my heart here in Maine is that we have one of the best water supplies and drinking water supplies in the country. That being that we have a lot of multi-national corporations and their businesses here. I just think it's ill advised. I don't have a strong knowledge of what is actually going to transpire throughout the whole process, but I do know that there are an awful lot of areas of the country that are environmentally important to us. I would think that being at the state level we would also want to make sure that our best interest is in the forefront. I don't see any real benefit from this. I hope it's not another one of these transparency issues because I know the state of Maine is ranked 46th in the nation at being transparent. We wouldn't want to do anything to lower us down lower. Thank you very much, Mr. President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, it does seem to be the silly season. I didn't have the benefit of working with Senator Collins. I never really had the benefit of ever talking to her. Excuse me, Senator Snowe. I never even had the benefit of actually getting a chance to talk to her, but I do think that probably these types of issues are actually the type of partisanship that she didn't like in Washington. It does seem to be sliding into the state of Maine. I would be

more apt to support this if we talked about having a Resolution that asks them to not only consider that but consider maybe coming across Canada east so that we could get the refineries in the northeast. That would actually help the state of Maine because I don't think anyone could actually say that going all the way down to Texas is going to do an awful lot of benefit to the state of Maine. We do have refineries in Canada that are close to us. We wouldn't have to worry about any environmental impact because it would all be to our neighbor up North. It wouldn't be in the United States. Quite honestly, why don't we have Resolutions talking about having Congress look at the speculators that are driving the cost of gas up to outrageous rates? We all know that the supply is there, but people are making billions of dollars driving the cost of oil up. We don't have a Resolution for that here. This pipeline thing, while it might be good, I don't really understand how Maine weighing in is going to make any one difference to the people that are going to decide this. I think they will probably laugh. They are going to get a real bang out of this. If we're going to do a Resolution, let's do something that's actually going to help the state.

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

Senator **DILL:** Thank you Mr. President. Men and women of the Senate, I would like to just concur also with the remarks that have already been put on the record eloquently by my colleagues and further note that passage of this Joint Resolution would, in my view, lead to a very slippery slope, a greasy slope, because a large, or substantial, proponent of this Resolution is Enbridge Corporation which is also trying to have a pipeline through Maine. It would transport corrosive, dirty tar sands oil from Canada across our beautiful rivers, streams, and lakes, including the Androscoggin River and run right past Sebago Lake, in a very old pipeline and go out to Casco Bay, which would increase the number of tankers in the Bay which would greatly increase the likelihood of environmental damage and public safety. While this particular Resolution does nothing to create jobs in the state of Maine and further helps an industry that already receives \$4 billions in tax subsidies, it opens the window for a project that will have severe negative impacts on the state. I urge you to oppose this Resolution. Thank you very much.

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

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, we're told that we have a choice between building this pipeline and destroying the economy. I'll argue exactly the opposite. Look around the world and the countries that have the cleanest environments are the countries that have the strongest economy. If you don't have a good job how do you afford to buy a new car that burns cleaner and pollutes less? If the people in your community don't have a good job how do you afford to build the sewerage treatment plants that we need to keep from dumping all kinds of things into our rivers that don't belong there? How do we afford to buy the energy efficient appliances that we need if we don't have a decent job? I can't believe what I'm hearing, that somehow increasing the supply of oil will drive up the price. One of the basic principles of a free enterprise economy is supply and demand. The more you increase the supply the lower the price gets. I've lived through I

don't know how many of these oil price spikes and have been in business for myself. I've never failed to see the price of oil spike, the price of fuel and gasoline go up, but I haven't seen the economy go down. I haven't seen it harder to make a profit if you are in business for yourself, or harder to find a job with a decent wage. I've seen lay-offs and I can remember the embargo of 1973. I got caught in Cleveland and I didn't know if I was going to be able to fuel enough to get home or not. I can remember what happened. We had a good strong log market and pulp market before I went. A few months later you couldn't give the stuff away. People lost jobs. Yes, we need oil. Why do we want to be dependent on the Middle East for our oil? Why do we want to put ourselves in a position where those people can control us and control our economy, where we have to bow and scrape to them? I say let's buy oil from Canada. Let's develop our own resources and let's have a strong economy here in the United States. It is a choice between the economy and the environment. We need a strong economy so we can have a clean environment. Thank you.

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

Senator **SHERMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I confess I have a few stocks in various things. I'd just like to hope you've read something about the line itself. We already have a natural gas line across the state of Maine. As I stand at home and look over to Moncton, there are 100 oil wells over there. They do fracking over there. That's coming into the state of Maine. Senator Thibodeau's committee listened to a group the other day, wanting to truck natural gas to the mills. Would be 50 plus jobs. If I listened to that correctly, going to Lincoln Pulp and Paper. Going to Sappi. We already have a good Canadian line. There are more over there. They are drilling. I mentioned one time that in Houlton, Maine, when you talked about the East-West highway, those truckers from Texas, with cowboy hats and boots, heading towards Nova Scotia and Newfoundland, thousands of miles to the east of us by the way. I hope we may have shale gas on this side, but don't have a heart attack because it's probably the same shale that bumps up against the American-Canadian border between New Brunswick and Maine. The other piece is most of our oil comes from out of Mexico or Canada. Simple as that. The Middle East, that effects it somewhat. We really don't get it. The Canadians, when this embargo went on, the Premier of Canada said, "I don't care. We'll start and finish the pipeline. Go to the West Coast, Prince Rupert, that oil can go to China or wherever else it wants to go." It's strange how you run into different people. I was at a store in Canada, by the way. I have relatives in Canada. I'll confess to that. I asked this gentleman what he was doing. He said he was cutting wood. I asked where. He said in British Columbia. I asked what for. He said they were running a pipeline across the prairie up through the mountains. Those wonderful mountains that people are all worried about out there and it is pretty, to Prince Rupert. In a way the Canadians are rather smart. They said they didn't care about the shortcut. All that Keystone is is a shortcut. You already come across. It goes straight down to the refineries down in the Gulf Coast. That's where that is going. The natural gas, a company called Sasol. A South African company that is building a multi-billion dollar plant by Mississippi-Missouri and it's called gas to liquid. You can take natural gas and turn it into butane, propane and make gasoline out of it. I

don't know how far along that is, but those permits have been allowed. The Keystone piece is within the United States where you don't have to talk to the Canadians, that's still being built. In some ways what I'm hearing here is not what I read. I must confess, I read the "Wall Street Journal" and "Barons" and some of those other things. The market hasn't come clear back, by the way, according to Brookings and Diamond, but we're close. When you are talking about these things, please get your facts straight. Please make believe you've read something about these. I'm in favor of the Resolution, just for the fun of it, I guess.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm a little confused. I thought we were talking about the Keystone XL Pipeline, which is shipping corrosive tar sands oil down through the western part of this country, not through this state. They are worried and want a proper regulatory process about whether the spills that continued with the first pipeline will be continuing with this one, endangering their water supply. Why are we sticking our nose into their business? This is not something, as has already been said earlier, that is going to benefit the state of Maine. It is not something that is going to put Maine people to work. There are things we can be doing here that would be gaining energy independence for Maine and continuing to put people to work, like continuing the renewable energy work that's been going on in this state and has been creating jobs, continuing the retrofitting of homes and businesses to make them more energy efficient and less reliant upon that energy supply. That has been creating jobs and it has been very effective. I have to think this is a silly season when we're sticking our nose into other state's regulatory processes and trying to tell the federal government that they should be doing something to another state, which they haven't fully vetted and decided whether that is an appropriate risk to take. We wouldn't appreciate it if other states were telling us, in the state of Maine, how we protect our resources, how we best meet the needs of both business and protecting our own resources. I stand against this.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and gentlemen of the Senate, the Keystone XL Pipeline is a link to producing more crude oil and transporting it down to the refineries to produce their product of gasoline. We talk about how is this going to help Maine. Well, where I'm from, South Coastal Maine, we are very dependent on the tourism industry. With gasoline approaching nearly \$5 a gallon, it probably will be by Summer's end, producing more crude oil to be refined into gasoline and creating an abundance of gasoline in the marketplace is important to reducing the cost per gallon of gasoline. That's important to us here in Maine. That's important to our tourism industry, one of the largest industries we have here in Maine. It probably impacts every household in my hometown of Wells. Even the children work in the tourism industry. Mom and Dad work in the tourism industry while they carry a second or third job. It's vital to the economy of Maine, whether you are in Kittery or Fort Kent, Eastport to Farmington. It's vitally important. We should be sending a message to the rest of the nation that we support this

Keystone Pipeline. After all, Maine is part of the fabric of the United States. We should be endorsing it and saying "Yes, we're for it. We're behind you. We want this built, we want that crude oil running down to the refineries to be refined into gasoline to decrease our dependency on the Middle East's crude oil." Every time we buy a gallon of gasoline that is a refined product of the crude oil from the Middle East, all we're doing is helping the terrorist who want to kill us. We should be doing everything possible. By endorsing this and sending a message to the rest of the United States that we are for this Keystone Pipeline. It's vitally important to Maine and the rest of the nation. Our security, our prosperity. Building this pipeline and installing it will produce jobs. We vitally need jobs in the United States. This is going to transport a product down to the refineries and into gasoline that is vitally important to reducing the total cost per gallon of gasoline. Ladies and gentlemen of the Senate, this should be a no-brainer. We should be supporting this and telling the rest of the nation that Maine is behind it, that we're supporting it and supporting the concept of completing this pipeline to the mid section of the United States, down to the refineries in Texas. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today to oppose this Resolution. Frankly, the first stepped upon is due process grounds and the state's right. Why do we want people sticking their nose into our business? We shouldn't be doing that to other people's businesses, especially when it comes to the integrity of the environmental climate in their states. The President, just the other day, has authorized an expedited review of the southern half of Keystone. We still have due process concerns of going through the studies and making sure that this pipeline gets sited appropriately. I think we all know it's most likely going to happen based on the President's position on the southern half. As a state, we have to be careful of what we're telling other states they should accept, especially when we don't know the facts. This argument is based purely on politics. Gasoline has always been part of politics. The price of fuel is always part of Presidential campaigns. We have to take into consideration what our role is here, as legislators, in the state of Maine. It should be focused on creating jobs in Maine, not weighing in on the political battles upon which we can't influence. We need to influence things for our constituents to put our people back to work, not spending time on Resolutions such as this. Thank you, Mr. President.

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

Senator **PLOWMAN:** Thank you Mr. President. Men and women of the Senate, before I begin my official remarks on this I would say that I wish we had something in this Body. I wish we had sort of an eye on the people, cameras, so that we could actually see people's reactions to your words because I think a lot of people think that the only people listening are the people in this Body. They are not. The tone we take among ourselves sounds kind of frivolous sometimes. I don't think that if we could see people's reactions that we would be quite as frivolous with some of our comments. Now I'll talk about the bill.

I didn't want to ask the Secretary to read it. The people who are listening probably would like to know what we're actually

talking about. "Whereas the United States Department of Health and Human Services decreased federal funding to the low income energy assistance program, bringing Maine's current total to less than \$37 million, compared to \$56.5 million the state received the previous year." I'd like to take a vote on that. If you could disagree with that please let me know. Send me a note.

"Whereas the average program benefit for Mainers will be \$483 during the 2011-2012 year, compared to \$802 last year, and the average program benefit will pay for less than 150 gallons of oil due to the escalating cost of fuel." I don't think that's highly debatable. "Whereas the State of Maine and the nation rely on, and will continue to rely on for many years, gasoline, diesel, and jet fuel, despite a recent focus on the development and use of alternative and renewable sources of energy." That might cause a little debate, but I've got to tell you, when I have to stand there in the grocery store and explain why the cost of bread is so expensive because we're using grain to make fuel it's hard to tell somebody on a fixed income that their bread now costs a whole lot more money because somehow it's better to put the grain in their gas tank. "Whereas additional amounts of oil and natural gas, as well as alternative sources of energy, will be necessary to expand this economy and whereas the United States currently depends on foreign imports for more than one-half of its petroleum usage and as the largest consumer of petroleum in the world, this country's dependence has created difficult political relationships with damaging consequences for our national security. Whereas Canada," and this is one of those things that you could debate, I suppose, "does have vast oil reserves, estimated 173 billion barrels of recoverable oil, second in size only to Saudi Arabia, and Canada is the single largest supplier of oil to the United States at 2.62 million barrels per day and has the capacity to significantly increase this rate; and whereas there is a proposed system called the Keystone XL pipeline expansion, which would expand the existing pipeline to transport synthetic crude oil and diluted bitumen from northeastern Alberta, Canada to multiple destinations in the United States, including refineries in Illinois, an oil distribution hub in Oklahoma and proposed connections to refineries in Texas; and, when completed, would carry an estimated 700,000 barrels of North American oil per day to American refineries in the Gulf Coast region and would create an estimated 120,000 jobs nationwide and generate an estimated \$20 billion in economic growth. Whereas the Keystone XL Pipeline expansion has the support of several prominent national labor unions, with membership in the millions, because it would create jobs; and whereas the recent study by the United States Department of Energy found that increasing oil deliveries to American refineries has the potential to substantially reduce this country's dependence on foreign energy sources; and whereas the money saved by purchasing North American oil would likely later be spent directly on American goods and services in contrast with money sent to hostile oil-producing governments that is later used to further antidemocratic agendas." Then there is the Resolve. That's what we're talking about. I've got to tell you, the people of the state of Maine are the people of the United States. We're not separate on our dependence. We are one. Our national debt and our energy dependence is crippling us. When you have a family that cannot afford to make it to work every day that they are supposed to because their gas money runs out before their commute does, it does matter to the people of the state of Maine. When a small business like mine is effected \$45,000 to \$50,000 a year every time the gasoline prices inch up 50¢ you can multiply that by the number of other companies in

the state of Maine. That money doesn't go into anything but a gas tank. I've got to tell you, I do see this as appropriately before this Body. If you read the facts that are contained in here, I don't see how you can throw the whole thing out because it is about our people. For some reason the United States might be broken up for other economic purposes and for regional purposes, but a gas tank doesn't know whether it's in California, Minnesota, or Maine. It still has to have something put in it in order to create the means to get around and do what we have to do. I'm proud to stand up here and remind people that Maine counts and we want our independence and you should want it as a nation as well. Thank you.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, as the Senate member that definitely has to travel the furthest to this Body, I certainly understand what the cost of gas is. As someone that sponsored legislation to give people that use diesel tax breaks that ended up dying in this Body, I think that I've work to try to lower the cost for some of these people. As someone who has fought vigorously to send a Joint Resolution from this Body so that Maine wouldn't have to be involved with ethanol, which died in this Body, which was appropriate for this state because we're definitely affected by other states forcing us to use ethanol in the production of gas and we couldn't get that passed in here because it wasn't appropriate, I think that the argument that I'm making that this bill, or this Resolution, if it is passed, I don't see any benefit to it because it's not going to help the state of Maine. It's already been said that we're getting all our gas out of Canada here in the Northeast. If it goes to Texas it's most likely going to go overseas probably from there. It isn't a supply problem that we have. It's the speculators that are driving the price up and we're not doing anything to help that. I don't care if you pass this or not. I just don't think that we ought to be going out there telling people that we passed a Resolution that's going to lower the cost of gas because we don't know if that is going to happen at all. While I certainly can support giving jobs to people in other states, I don't have a problem with that, but I'm not going to go out and say, "Hey, we just did something to help lower the cost of gas in the state of Maine" because we're certainly not doing that. It's more appropriate for Keystone Cops.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, to me this isn't really an issue about increasing jobs. Obviously, I don't think there is anybody, I hope not, that would not like to increase jobs in the state of Maine. This Joint Resolution won't do that. What this Joint Resolution is saying is that it's asking Congress to bypass a regulatory review, which first of all I don't think is right and, secondly, I don't think it's our business to be doing that or to say that for another state. I wouldn't like it if another state did it for us and our regulatory review. It sends the wrong message, I think, and that is why I'm in opposition to it. I also stood because there has been a bunch of things said that just really irk me. One of them was said about a free enterprise economy. If we talk about the reality of our economy, an economist will tell you, people who this is their

business, that the United States does not have a free enterprise economy because we have all kinds of subsidies. One huge subsidy is to big oil. Here we are subsidizing big oil in a large way, and yet our costs for gasoline are through the roof. I would submit that this is not necessarily, in any stretch, going to help us. In fact, the unintended consequences could be food costs rising in the mid-West, which means it would hurt Maine people in their pocketbook when they go to the grocery store. There have been other things done by the federal government, one being free trade. That has not been very good for the state of Maine because it has eliminated a lot of jobs in this state. I've worked a lot on other legislation and there has been a lot of finger pointing about why the state of Maine has lost jobs. When there are cheaper labor costs out of this state and you set up a system that puts us in peril, you lose jobs and our economy tanks. I'm very concerned about sending the message on this when we don't really know what the long term impacts will be to our state and to the people of our state. I concur with those who have said the real problem is the oil speculation. I remember distinctly, and this was before all of the interventions in our banks, institutions, and so on, when I got in touch with the Office of Energy here, and this was when the price per barrel was going \$140 a barrel and right now I think it is right around \$106 a barrel. Truckers and businesspeople were contacting me and saying, "Elizabeth, please, please do something. Help us. We are losing our jobs." I got in touch with the Office of Energy and I said, "We need to send something to the President and to Congress to say we need to intervene in the oil speculation market somehow." I was laughed at. That very person sort of pooh-poohed me and said I was being foolish and how could we ever intervene in the markets. Very shortly thereafter the President of the United States of America, George Bush, intervened in the most massive way in our economy in the markets. I went back to him and I looked at him and I said, "Remember that conversation that we had about intervening in oil speculation to help all of these businesses in Maine? You told me it could never happen and that if it did horrible things would happen. Yet, we bailed out the whole banking institutions." I said, "I wasn't so silly after all, was it?" Now we're talking about this and about this helping oil prices in the state of Maine when it could actually increase prices in food. No sir, we should not be doing this. This is not good for Maine. The unintended consequences could be massive. I don't believe we should help big oil more than we are already subsidizing them. They should be working to bring costs down by helping fix energy efficiency because if we lower the cost by buttoning up homes people won't have to use so much oil and their costs will drop. No, this is a bigger thing than we realize. I stand for the people of this state first and foremost. That's what I was sent to do here, to be the voice for my Senate District. I can tell you, I don't think they'd want me butting into another state's business when it could have the opposite impact to their pocketbooks. I hope that we will oppose the pending motion and I hope that the message that I send will go to Congress, if this does pass, that there are many of us in opposition to this for good reasons. Thank you very much.

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

Senator **DILL:** Thank you Mr. President. Men and women of the Senate, for all of the listening audience, I would direct your attention to an article that appeared in the Sunday "New York

Times" dated March 18th by a man named Robert Simple. You'll see, I think, that the facts actually are that oil production is up in the United States and dependence on foreign oil is down. There is not an iota of evidence that passage of this Resolution or, for that matter, the authorization of the Keystone Pipeline will impact gas prices. Gas prices, it's a global market. What we do here in the state capital has nothing to do really on gas prices. They are up and down globally because of forces that we don't have any control over; conflicts in the Middle East, etcetera. I would also just like to state that the President of the United States did, in fact, authorize the southern portion of the Keystone Pipeline but that has nothing to do with tar sands. It was to address what was a bottleneck of oil refined in the United States and to free up American businesses' ability to transport oil. No tar sands actually flow through that pipeline. Finally, all the oil that is slated to be extracted in Canada and wants to be transported in pipes across our country is destined for exportation. None of it will benefit any of our constituents. I do read and I do care about facts and I would just like to put those facts on the record for anyone who is listening. Thank you.

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

Senator **COURTNEY:** Thank you Mr. President. Men and women of the Senate, I thoroughly enjoyed the discussion from both sides of the aisle this morning. I'm glad that we have had the opportunity to put this forward. I understand the passions run high on both sides and I'll try to explain why I put this Joint Resolution forward. I'll start out with three numbers, let me make sure I get them right: \$1.80 a gallon, that was the price of gasoline when President Obama took office; \$3.90 a gallon was what I paid when I filled up my car last time; and \$5.00 a gallon, that is what the experts say gasoline is going to go to this Summer. The people of Maine are hurting because of these prices. There hasn't been a comprehensive plan to reduce gasoline and oil prices by this Administration. Conservation is important and we have all supported it in this Body. Alternative energy is important and we've all supported it in this Body. That alone cannot work. Another way the President has turned his back on the people of Maine is with the low income heating assistance program. When we asked repeatedly that they increase the low income heating assistance program instead we got a \$319 per person decrease. If gasoline and oil were \$1.80 a gallon we wouldn't have needed that. People wouldn't have needed to be dependent on government. That's why this is so important. This is important so that we can control the source in North America so we can not be dependent on the Middle East and the whims of the Middle East. Who's going to shoot at who this week in the Middle East? We can bring our people home. We don't need this ongoing war to protect the sands that cover the oil in the Middle East. There is no need of it. It would be worth nothing more than the sand it sits under if we would act and control our own destiny. Our own destiny hasn't been controlled, it's been giving out big money to companies. We talk about subsidies. What about some of these things that have happened in the last few years where people in the energy business are lining their own pockets at the expense of the people on Main Street? I'm telling you, when I go into my town and I listen to the people in my district talk about how they can't fill their oil tanks it's time. It's time somebody stood up. When those of you who are going to have this event with Mr. President when he comes to

Maine, if you don't agree on the Keystone portion of this for God's sake please tell him to not turn his back on the people of Maine that depend on LIHEAP. This is an issue that affects Maine. It affects Maine every day. It affects every one of you when you go to fill your gas tanks. It affects every one of us when we have to buy home heating oil. We don't have to sacrifice the environment. I think it's been proven. We don't have to sacrifice the environment to move forward. No one is suggesting that. If we were, the President wouldn't have approved the existing expansion, the partial expansion, of the Keystone Pipeline. The one thing that we can never forget when we make these decisions is the people of Maine. I'll finish with the way I started. In 2008-2009 gasoline was \$1.80 a gallon. The other day when I went to fill my gas tank it was \$3.90 a gallon. The projections say \$5.00 a gallon. How much more can the people of Maine take? Thank you, Mr. President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, finally we get to the root of this. It's not so much about the President Obama. I'm glad that we can have that discussion because I remember 2008 very well also. I remember November 8th coming down here not long after a hard fought election to get into this Body and bringing my son to a college in New Hampshire. After that whole Summer of paying up to \$4.40 a gallon under the great anti-regulator George W. Bush, we paid \$4.40 a gallon all that Summer and coming right over here to the Shell station and I got it for \$1.69. It certainly has risen to \$3.90 a gallon and we're still not as bad as it was, but that might go on and I think that there are a lot of reasons why that's driven. You can go to back here. For me it's not even about environmental issues as much because you can go to the back and talk to the people. I don't even have a great environmental record. That's not my issue. Let's talk about what's actually driving this. It's speculation on Wall Street. We don't want to talk about that. We want to drive it and hang it around President Obama's neck. That's fine, but let's talk about how that happened under other Administrations too. It's greed and you don't want to talk about greed. When you talk about the people in the stores and filling their gas tanks, talk to them about their healthcare too. They can't afford that either. No one wants to do anything about that. Let's be truthful about what this Resolution is about. It's political. It's about the President. We don't want to do anything about what's actually hurting the whole United States as far as oil prices. We're not doing that. As far as the lowering of the Maine State Housing, that was because of the Tea Bagger down there. They needed some red meat, as you all know. Let's just be truthful for once.

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

Senator **BARTLETT:** Thank you Mr. President. I just wanted to emphasize a couple of points. First of all, this pipeline is under review. We, sitting here today, are not going to decide whether this pipeline gets built or not. The question is whether we are going to ask that Congress bypass a review process that's been set up to protect every American. That's what this is about. I, personally, want my members of Congress to make sure that we are protected by following the rules and the laws that are laid out.

I want my member of Congress to not be picking certain projects to expedite ahead of everything else. I want my member of Congress standing up and fighting for things here in Maine. That's what I want my member of Congress to do. Not to be trying to expedite some project, running roughshod over the Department of Environmental Protection and other review agencies. I think we can reach some consensus based on what I heard from the Senator from York. I fully agree that we need to increase funding for LIHEAP. If we jettison this, let's put in a Resolution focused on increasing LIHEAP, saying how important it is to Maine and the fact that 80% of our homes are heated with oil and that we're at a tremendous disadvantage as prices rise. Let's put that Resolution in again. Let's put in a Resolution on energy efficiency. This President has dramatically increased investments in energy efficiency that have gone a long way to help people out. The last couple of Winters we have weatherized thousands of homes in the state of Maine to help them become less dependent on foreign oil. Let's put in a Resolution demanding increased funding for energy efficiency to help folks here at home. While we're at it, let's pass a Resolution emphasizing that the rules in place for power plants in the mid-West remain in effect so that we can breathe easier here in Maine because that has a huge negative impact on us. I want my members of Congress fighting for those things every day. Finally, if we're going to talk about the President I want to thank him for his work in promoting energy efficiency. I want to thank him for helping to actually increase the supply of oil production in the United States. A little known fact is that under President Obama the supply of oil has increased and we've become more energy independent than when he took office. Compare that with the record of his predecessor where supplies actually went down. If you want to talk about the facts, let's talk about the facts and let's commend this President for focusing on energy, for focusing on striking a balance between energy production and the environment, and focusing on making sure we're doing the things at home by making the investments in production here at home, making investments in energy efficiency here at home, and the things that are going to put Americans to work. I wish I had a chance to talk to the President on Friday. I would want to thank him for the outstanding work for the people of Maine. I would also thank our Congressional Delegation for their good work and for requiring that this project, like any other, get the full and fair review it's entitled to. I don't know about you, but I haven't read every report on this. I don't know all the ins and outs of it. I think it's silly for us to be sitting here trying to substitute our judgment for the people put in place, many of them Bush appointees, who are reviewing this project. Thank you, Mr. President.

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

Senator **GERZOFSKY:** Thank you Mr. President. Well, you can tell this is an even numbered year. I hate to miss a good debate so I thought I'd join in. Just to make it fair and square, it's on the table. There were a lot of loud voices today. Mine hasn't been used for a while, almost since last June. By gosh it's going to be today. If we're going to talk about what is going on in 2008, let's talk about where the Stock Market is today. Sure has come a long way. Oil producers, speculators have certainly driven up those market prices, haven't they? I remember in the 1970's when we had a real oil shortage and we had lines around the block. I find gas stations with plenty of room at the pumps. There

is no oil shortage. Not in this country. Not in any place in the world. There is an oil glut. Maybe we think in this Body we should increase that oil glut by building a pipeline, kind of like that bridge to nowhere that wasn't going nowhere, out West to help with an issue that is not in Maine today because that oil isn't going to be available in my gas tank for a long time to come. Hopefully we will have done something in reducing the demand on oil before then. We have recently. I don't think people are driving cars that are 6, 8, or 10 miles to the gallon like we used to. We've done a lot. We've done a lot in this state. I think we would be wiser to sit here and debate how to get more of our houses insulated. I think we'd be doing a heck of a lot better to sit and debate some of these other issues. If we want to talk about what to tell our President that's coming to our state next week, let's talk about what's going on on Wall Street that affects our Main Street. Let's talk to him about what brought us into this economic mess we're in. Let's talk to him about the greed. I served in this Body when there was actually a surplus under President Clinton's Administration. I certainly saw the next eight years of the Washington Administration that drove us into some of this mess that we're in. I wouldn't have brought that up in this Resolution except I heard others bring it up, so I think it's fair game now. Want to talk about it? Let's talk. When you have oil speculators that drive up the price of oil that has nothing to do with demand, just has to do with profits, and we're going to send a Resolution. By gosh, I used to remember when you couldn't, on the other side of the aisle, see any reason to send a Resolution to Washington to tell them anything. It wasn't our business back then. Now, all of a sudden, it is. Then again, it's an even numbered year. I'm running for the State Senate. I'm representing the towns of Brunswick, Harpswell, Freeport, and Pownal. I'm not running for anything else. I'm worried about creating jobs here and that's what we should be doing. An oil pipeline isn't coming to Maine. The benefits of that pipeline are going to benefit Maine when I'm long gone out of here, and the same with everybody else in this building. That's how long it's going to be. I'd like to remind us what we're really talking about. This Resolution is no more and no less than a Resolution on an even numbered year. Thank you very much, Mr. President, for allowing me to speak.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from York, Senator Courtney to Adopt the Joint Resolution. 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 (#408)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, MARTIN, MASON, MCCORMICK, PLOWMAN, RAYE, ROSEN, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, THE PRESIDENT PRO TEM - BRIAN D. LANGLEY

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

ABSENT: Senators: RECTOR, SAVIELLO, SULLIVAN

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 3 Senators being absent, on motion by Senator **COURTNEY** of York, **ADOPTED**.

Sent down for concurrence.

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

Senator **COLLINS** of York was granted unanimous consent to address the Senate off the Record.

Senator **PATRICK** of Oxford was granted unanimous consent to address the Senate off the Record.

Senator **ALFOND** 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.

Senator **HOBBINS** of York was granted unanimous consent to address the Senate off the Record.

Senator **JACKSON** of Aroostook was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **SCHNEIDER** of Penobscot was granted unanimous consent to address the Senate off the Record.

All matters thus acted upon were ordered sent down forthwith for concurrence.

On motion by Senator **COURTNEY** of York, **ADJOURNED** to Friday, March 30, 2012, at 10:00 in the morning.