

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Fourth Legislature

State of Maine

Daily Edition

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

Pages 1 - 1159

- L.D. 895 An Act To Authorize a General Fund Bond Issue To Renovate Classrooms, Laboratories and Other Essential Teaching and Learning Facilities in the University of Maine System and the Maine Community College System
- L.D. 909 An Act To Authorize a General Fund Bond Issue To Fund Research and Development for Cancer
- L.D. 910 An Act To Authorize a General Fund Bond Issue To Promote Sustainable Green Housing
- L.D. 911 An Act To Authorize a General Fund Bond Issue for Affordable Housing
- L.D. 912 An Act To Authorize a General Fund Bond Issue for Capital Projects for Hospitals

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. G. William Diamond
Senate Chair

S/Rep. Emily Ann Cain
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

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

COMMUNICATIONS

The Following Communication: S.P. 569

STATE OF MAINE 124TH MAINE LEGISLATURE

June 8, 2009

Sen. Justin L. Alfond
Senate Chair, Joint Standing Committee on Education and Cultural Affairs
Rep. Patricia B. Sutherland
House Chair, Joint Standing Committee on Education and Cultural Affairs
124th Legislature
Augusta, ME 04333

Dear Senator Alfond and Representative Sutherland:

Please be advised that Governor John E. Baldacci has withdrawn his nomination of James Carignan for appointment to the State Board of Education, pursuant to Title 3 M.R.S.A. § 154.

This nomination is currently pending before the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Elizabeth H. Mitchell
President of the Senate

S/Hannah M. Pingree
Speaker of the House

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS.**

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Joint Select Committee on **MAINE'S ENERGY FUTURE** on Bill "An Act Regarding Maine's Energy Future"

H.P. 1038 L.D. 1485

Report "**A**" - **Ought to Pass**, pursuant to Joint Order H.P. 63 (11 members)

Report "**B**" - **Ought to Pass as Amended by Committee Amendment "A" (H-505)**, pursuant to Joint Order H.P. 63 (5 members)

Report "**C**" - **Ought Not to Pass**, pursuant to Joint Order H.P. 63 (1 member)

Tabled - June 8, 2009, by Senator **BARTLETT** of Cumberland

Pending - motion by same Senator to **ACCEPT** Report "**A**", **OUGHT TO PASS**, pursuant to Joint Order H.P. 63, in concurrence (Roll Call Ordered)

(In House, June 5, 2009, Report "**A**", **OUGHT TO PASS**, pursuant to Joint Order H.P. 63, **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-540).**)

(In Senate, June 8, 2009, Reports **READ.**)

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

Senator **BARTLETT**: Thank you, Madame President. Men and women of the Senate, I just would like to speak briefly to this bill. This is the product of the Committee on Maine's Energy Future, L.D. 1485. I want to give you a brief overview of what we've done with this bill because I believe it is setting the stage for redefining the way we do energy efficiency in the state and changing the way we look at taking control of our energy future. First and foremost we build a census around consolidating all of our efficiency programs under one roof, to essentially create a one-stop shop. In the past we've had different places you would have to go for different efficiency programs. We thought it made it much more difficult for people to take advantage of the programs and to make sure they are operating in a coordinated way. That's particularly true with the stimulus money from the federal government. We've been working hard to make sure there is a coordinated plan across the agencies to make sure this money is put to its maximum use. The new agency will be called the Efficiency Maine Trust. It will bring together Efficiency Maine, which deals with electrical energy efficiency, the REGGI Trust, and energy components as well. The board members will be appointed by the Governor and confirmed by the committee and full Senate. The board will hire its own executive director, this way helping to create a level of independence for this agency so there will be continuity between the administrations.

Secondly, the committee spent a considerable amount of time working on stimulus plans and, in particular, workforce development. There are significant resources coming from the federal government but to a variety of different agencies such as the Department of Labor, the PUC, and the Maine State Housing Authority. We worked with them to put together a plan and that will continue through the legislation. We've also targeted some additional funds to be placed specifically for workforce development in the future to make sure that we are promoting a green economy.

Third, there has been much ado in the recent weeks about the language in the bill dealing with the transmission corridors. There have been proposals to use our highway systems and other large-scale corridors in order to move electricity through the state. In particular, from Canada right down through to Boston. We want to make sure that, as we go down that road, we do so with our eyes wide open and have full control of how this plan is implemented to ensure that it protects Maine consumers. In that regard, we have put together a legislative study commission, which will be made up of legislators as well as appointments by the Governor, to develop a plan so that we can come back next year and take the bull by the horns and make sure that we have a clean strategy in bringing forward the transmission that we want. It also requires that no final permits can be issued until such time as the work is completed by the study commission. We have created a number of exemptions to make sure that the permitting process can go forward on any project, large or small, to make sure that projects that are currently in the pipeline may continue to go forward and to protect the kinds of projects we know are on the horizon to help bring our renewable energy to market. The bottom line is that we want to make sure that as we move forward we're doing so in a way that protects Maine consumers and that maximizes our opportunities to utilize our wind energy resources.

The fourth component of the bill deals with affordable housing, workforce housing. It includes a revenue bond that will be used to increase the efficiency of units as well as to build some new and to replace some very old and inefficient trailers. This will have an important stimulus effect and can begin next year.

Finally, we all recognize that if we are truly going to weatherize all the homes and meet the goals put forward in this legislation we're going to need some sort of long term funding mechanism to ensure that we are weatherizing and increasing the efficiency of our homes and businesses. That will require tasking our new agency with coming forward with a long term plan on how to weatherize substantially every home and business in the state and how to improve energy efficiency in those buildings. They will bring a plan back with a proposed funding mechanism going forward and the next legislature will have an opportunity to act in 2011 to put in place a sustainable funding mechanism. As an aside, there will be a separate bill moving through the legislature with a bond that will help to bridge the gap between the end of the stimulus funding and when that new funding mechanism is in place to ensure that we continue our efforts to improve the efficiency of Maine homes and businesses. I would urge your support of this bill and would like to commend the work of the committee. We worked together in a bipartisan way and came to an unanimous agreement on the best elements of this bill.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Rector.

Senator **RECTOR**: Thank you, Madame President. Ladies and gentlemen of the Senate, I would like to commend the Senate Chair of the Energy Committee and the work of all the members of the committee. I think it was a collaborative, respectful, and appropriate process that we went through. I can tell you, as the non-energy member of that committee, it felt like I was drinking from a fire hose a good deal of the time. I learned an awful lot about Maine's energy. I appreciate the knowledge and the expertise that was brought to the committee by many, many members. I won't outline the pieces that the good Senator has just illuminated for all of you. I just want you to know that I think that most, if not all of us that were on the Minority Report, I think, are satisfied with the additional work that was done after the report was issued. It has really addressed the concerns that we had in an appropriate way. I intend to be supporting the Majority Report of the committee. I also have been asked just to outline three slight areas. I have something to read into the record. In this bill permits in the usual course of State business, such as road or river crossing permits, are not going to be effected by the moratorium as it exists and as it's been outlined. The intent of the moratorium is not to apply the collection lines which bring power from individual wind turbines to a step-up transformer at the wind farm substation. These are not contemplated to be part of the 75 miles in length that is outlined in the moratorium and not considered to be part of the moratorium. In fact, the committee wanted to clarify that generator lead lines are not within the scope of the moratorium. In other words, the generator lead lines ends at the point of interconnection with a transmission distribution line owned and operated by another party. Just to be certain that we had that in. I'm grateful for the effort, as I've said, of all my colleagues on the committee and especially thank the Chairs. Thank you.

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

Senator **PERRY**: Thank you, Madame President. Ladies and gentlemen of the Senate, I too want to rise and thank the good

work of the Chair of this committee and the committee as a whole, the Senator from Knox, Senator Rector, and the rest. It really was a fascinating process and more in-depth and complicated than I think I could have certainly imagined when it began. I was really interested in this committee work, as I truly believe this is the biggest problem we face. Far bigger than the budget we faced this year. Far bigger than the tax structure. This is the biggest tax that is placed on all of us here in Maine, the energy tax. While we sit here and argue about if we are going to do anything with highways and 11¢ over four years or 5¢ surcharge, the people that supply us with oil have placed an 11¢ tax on us every month since January. There is nothing we can do about it. We are at the mercy of foreign governments when we are taxed on oil. Oil prices have doubled since January. This reprieve that we have started to feel back in the late Summer and early Fall has not lasted very long. It is becoming more critical than ever that we don't lose our focus on taking every step necessary to get ourselves off foreign oil. This bill is a great roadmap. It has some stimulus money, essentially bond money. It really does meet a long term mechanism to make sure that we do not take our eye off the ball. This is the biggest problem we face. I will be supporting this report and look forward to some measure of getting us down the road to energy independence. Thank you, Madame President.

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

Senator **RAYE:** Thank you, Madame President. Men and women of the Senate, I just wanted to comment on the work of the joint committee, which I think was extraordinary. I really want to offer my congratulations on the meticulous attention to detail, particularly as it relates to the energy corridor. A very sensitive issue. One of enormous importance to my part of Maine where we are, hopefully, going to be seeing the development of LNG and all the benefits that this will bring, not only for my home county but for the entire state of Maine. The energy corridor issue was one that was very important to those of us who are advancing that because of the tremendous energy and determination on the part of the government of New Brunswick, and the government of Canada, in their efforts to stymie and thwart the development of LNG in Washington County, even as they have proceeded rapidly with the permitting and construction of their own LNG facilities. I just didn't want the moment to pass without thanking the committee for their really meticulous attention to detail and working to come up with language that will address our concerns, but not spread too wide a web because we certainly didn't want to do anything to diminish the opportunity for our own transmission development in the state. I think it's a very good solution and I'm very pleased to be casting my vote in favor.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Bartlett to Accept Report "A", Ought to Pass. 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 (#182)

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

NAYS: Senators: NASS, ROSEN, SHERMAN, WESTON

31 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **BARTLETT** of Cumberland to **ACCEPT** Report "A", **OUGHT TO PASS**, pursuant to Joint Order H.P. 63, in concurrence, **PREVAILED**.

READ ONCE.

House Amendment "A" (H-540) **READ** and **ADOPTED**, in concurrence.

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

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

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

An Act To Stabilize Funding and Enable DirigoChoice To Reach More Uninsured

H.P. 883 L.D. 1264
(C "A" H-490)

Tabled - June 8, 2009 by Senator **BARTLETT** of Cumberland

Pending - **ENACTMENT**, in concurrence (Roll Call Requested)

(In Senate, June 4, 2009, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-490)**, in concurrence.)

(In House, June 5, 2009, **PASSED TO BE ENACTED**.)

On motion by Senator **RAYE** of Washington, 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.