

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

MAY 4, 1981 to JUNE 19, 1981

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STATE OF MAINE
One Hundred and Tenth Legislature
First Regular Session
JOURNAL OF THE SENATE
May 18, 1981
Senate called to order by the President.

Prayer by The Honorable Barbara A. Gill of South Portland.

SENATOR GILL: Dear Lord, fill our hearts with courage and our minds with wisdom to serve all the citizens of the State of Maine. Amen.

Reading of the Journal of Yesterday.

Papers from the House Non-concurrent Matter

Bill "An Act to Clarify the Definition of Commercial Applicator in the Maine Pesticides Control Act of 1975." (S. P. 373) (L. D. 1115). In the Senate, May 6, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (S-143) as amended by Senate Amendment "A" (S-172), Thereto.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-397), in non-concurrence.

The PRESIDENT: Is it the pleasure of the Senate to Recede and Concur with the House? It is a vote.

Non-concurrent Matter

Bill, "An Act Relating to the Public Utilities Commission Officials' and Employees' Compensation." (H. P. 577) (L. D. 657)

In the Senate, May 8, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (H-317), in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "C" (H-404), in non-concurrence.

On motion by Senator Collins of Knox, Tabled until later in today's session, pending Consideration.

Joint Orders

Expressions of Legislative Sentiment recognizing:

Bob Brennan of Bangor, who has retired from coaching after 20 years as football coach at John Baptist High School. (H. P. 1478)

Frank and Lillian Pomerleau who will celebrate their 50th wedding anniversary on May 25, 1981. (H. P. 1484)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Senate Paper Joint Resolution

Senator REDMOND of Somerset (Cosponsors: Senator PERKINS of Hancock, Representative JALBERT of Lewiston and Representative BROWN of Bethel) presented the following Joint Resolution and moved its adoption:

STATE OF MAINE

IN THE YEAR OF OUR LORD
ONE THOUSAND NINE HUNDRED
AND EIGHTY-ONE

JOINT RESOLUTION COMMENDING THE
MAINE PUBLICITY BUREAU
ON ITS 60th ANNIVERSARY OF SERVICE
TO THE CITIZENS OF MAINE

WHEREAS, the tourism industry is a vital and productive segment of the economy of the State of Maine; and

WHEREAS, it is estimated that over six thousand predominantly small businesses and approximately thirty-nine thousand Maine persons earn all or part of their livelihood from tourism; and

WHEREAS, the industry produces considerable new money and taxes for the support of public services; and

WHEREAS, the Maine Publicity Bureau has been organized since 1921 and has established, developed and improved upon a cooperative promotional program utilizing private and public funds for the promotion and enhancement of the state's tourism industry and the general economy of Maine; and

WHEREAS, this being the first and oldest program of like continuity and magnitude in the United States carried out for the common good of the people of a state; now, therefore, be it

RESOLVED: That we, the members of the Senate and House of Representatives of the One Hundred and Tenth Legislature, now assembled, recognize and commend the State of Maine Publicity Bureau on this, its 60th anniversary since its founding, for the outstanding contribution made by the bureau over the years to the business climate of the State of Maine; and be it further

RESOLVED: That we further commend the bureau for its outstanding contributions in bringing to light a growing realization that Maine is once again recognized as a leader in tourism because of its unique qualities of life and opportunities for living; and be it further

RESOLVED: That a suitable copy of this resolution be transmitted forthwith by the Secretary of State to the bureau inscribing these sentiments in honor of the occasion. (S. P. 612)

Which was Read and Adopted.
Sent down for concurrence.

Committee Reports House

The Committee on Judiciary on, Bill, "An Act Recommending Changes in the Maine Juvenile Code and Related Provisions." (H. P. 1183) (L. D. 1407)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which Report was Read and Accepted, in concurrence and the Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Taxation on, Bill, "An Act Concerning the Rate of Return on Investment Factor under the Railroad Excise Tax." (H. P. 580) (L. D. 660)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-398).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Judiciary on, Bill, "An Act Concerning Access by Adopted Children to Biological Family Medical Files." (H. P. 1108) (L. D. 1313)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-400).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Judiciary on, Bill, "An Act to Revise the Debtor-Creditor Laws to Facilitate the Legal Collection of Debts." (H. P. 1039) (L. D. 1258)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-401).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Education on, Bill, "An Act to Require a Bond in Certain Suits Seeking to Enjoin School Construction Projects." (H. P. 922) (L. D. 1093)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-399).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Education on, Bill, "An Act Relating to Compulsory School Attendance and the Enforcement of Truancy." (H.P. 1177) (L.D. 1401)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-396).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Education on, Bill, "An Act Relating to Student Expulsion." (H.P. 594) (L.D. 671)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-395).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read and Accepted, in concurrence, the Bills Read Once, Committee Amendments "A" were Read and Adopted, in concurrence. The Bills, as amended, Tomorrow Assigned for Second Reading.

The Committee on Local and County Government on, Bill, "An Act to Abolish the Position of Elected County Treasurer in Arrostook County and Replace it with an Appointed Treasurer." (H. P. 881) (L. D. 1050)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-392).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Report was Read and Accepted, in concurrence, and the Bill Read Once, Committee Amendment "A" was Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I present Senate Amendment "A" to Committee Amendment "A" under filing number S-243 and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" to Committee Amendment "A" (S-243) Read and Adopted. Committee Amendment "A" as amended by Senate Amendment "A" Read and Adopted, in non-concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

The Committee on Taxation on, Bill, "An Act to Remove the Town of Medford from the Maine Forestry District." (H.P. 252) (L.D. 292)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-380).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-403) Thereto.

Which Report was Read.

On motion by Senator Teague of Somerset, Tabled for 1 Legislative Day, pending Acceptance of the Committee Report.

Ought to Pass in New Draft

The Committee on State Government on, Bill, "An Act to Give Leaseholders Option to Purchase Lands Acquired by the State in Exchange with Paper Companies." (H.P. 953) (L.D. 1129)

Reported that the same Ought to Pass in New Draft under Same Title (H.P. 1477) (L.D. 1609).

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

Which Report was Read and Accepted, in concurrence, and the Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

Senator Collins of Knox was granted unanimous consent to address the Senate, Off the Record.

Senator Conley of Cumberland was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Collins of Knox, Recessed until the sound of the Bell.

Recess

After Recess

The Senator called to order by the President.

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on, Bill, "An Act Relating to State-municipal Revenue Sharing." (H.P. 444) (L.D. 523)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-379).

Signed:
Senator:

NAJARIAN of Cumberland
Representatives:

PEARSON of Old Town
CARTER of Winslow
LANCASTER of Kittery
CHONKO of Topsham
BRENERMAN of Portland
ALOUPI of Bangor
DAVIS of Monmouth

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:
Senators:

HUBER of Cumberland
PERKINS of Hancock
Representatives:

JALBERT of Lewiston
SMITH of Mars Hill
KELLEHER of Bangor

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-379).

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President, I move Acceptance of the Minority Ought Not to Pass Report and will speak briefly to my motion.

The PRESIDENT: The Senator has the floor.

Senator HUBER: Mr. President and Members of the Senate, the effect of this Bill, as amended, and as recommended, for Passage in the Ought to Pass Report, would be to provide, starting in the fiscal year 1984, that is, the first year of the biennium beyond the biennium which we are now discussing, would provide an additional \$2.8 million per year, or \$5.6 million per biennium to go from the State to the municipalities via the Revenue Sharing mechanism.

I intend that in the First Session of the 111th Legislature we will better know our financial condition. We certainly will, as we always do, have under consideration various mechanisms to treat the relationship between the State level and the Municipal level. I think to commit a future Legislature at this time to an additional payment in a biennium beyond the one which we're discussing, could be a wrong move. It could be a right move, but I intend that the time to do it is when we're actually considering that biennium, and better know our financial situation, especially after the effects of possible Congressional actions are known in the various programs in State government.

I hope that the Senate will Accept the Ought Not to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate, obviously I disagree

with the good Senator from Cumberland, Senator Huber. If this Bill, it would just simply provide, it would be like any other State government program that we're now funding. It would just ensure that the Executive Branch took it into consideration, and placed it in the budget, in the fiscal years 1984-1985. It would be no increase than what we are now spending. All the towns would benefit. About \$237,000 would be distributed each month, in addition to the 4 percent beginning in 1984.

I'd ask for a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate, if the Members of this Body can reflect back to several years ago, when the Inventory Tax reimbursement was being made back to communities. The Governor, at that time, wanted to do away with it. Businesses throughout the State wanted to do away with it. Communities supported doing away with it, provided they would be reimbursed for the loss of that revenue.

I recall that we had many people seeking higher office in those days, who supported the reimbursement to the towns and cities across the State, and doing away with the Inventory Tax. It was only in the closing hours of the Session that an amendment was submitted on the Floor of this Body that took the third quarter counter cyclical funds from the federal government, and wrote them into the Bill, whereby communities were reimbursed on a phase-out, I believe, over a period of five years.

We are now getting to the final phase-out. We all know what local property tax is doing to the communities throughout the State. It is unfair not to continue to reimburse those communities that had an Inventory Tax reimbursement in those days. With the final phase-out of this last payment, those communities are going to be without any money coming back to them, in lieu of the Inventory Tax reimbursement.

What this \$2.8 million does, is it spreads it equitably throughout each town and city throughout this State. I think it would be the best move to let our communities know that that reimbursement feature is not going to die.

When the vote is taken, Mr. President, I request it be taken by the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President and Members of the Senate, as I already said, on a previous bill, the 4 percent the State Municipal Revenue Sharing will increase from this biennium to the next, from \$33 million to \$42 million, an increase of 27 percent.

If we assume a similar increase in the following biennium, Revenue Sharing would go from \$42 million to \$53 million, assuming the same 27 percent increase. On addition, which would be the amount of \$53 million. In addition this Bill, passage of it, would add \$5.6 million, bringing Municipal Revenue Sharing to \$58.9 million. This would mean a total increase in this area of \$16.9 million in the biennium beginning 1984, that is a fiscal year.

Whether or not we want to make this adjustment, I think, is better addressed when we, in fact, know our situation in the First Regular Session of the 111th.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, if the fig-

ures given as an example by the good Senator from Cumberland, Senator Huber, are correct, then I would ask him what is the State's growth in revenue, if revenue sharing is being increased by \$10 million? Imagine what the State's growth has got to be because it breaks down to 4 percent of the Sales Tax and the Income Taxes that are received. I would ask each and everyone of you, what is the growth in taxes in your community based on the property tax? What is the growth in the operation of those towns and cities throughout the State? I can assure you it's far above the 7 percent, or 8 percent, that's being spoken about by the good Senator from Cumberland, Senator Huber.

I would urge the Senate to vote against the pending motion.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President and Members of the Senate, to answer the question from the good Senator from Cumberland, Senator Conley, the overall growth, as measured by the Governor's revenue estimates, is roughly 11.5 percent each year of the biennium, however, growth of State Municipal Revenue Sharing is 27 percent, because it is tied to some of our fastest inflating taxes, namely Personal Income Tax, Corporate Income Tax, and Sales Tax.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Huber, that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of the motion to Accept the Minority Ought Not to Pass Report of the Committee.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEA—Clark, Collins, Devoe, Huber, McBreairty, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky.

NAY—Ault, Brown, Bustin, Carpenter, Charette, Conley, Dutremble, Emerson, Gill, Hichens, Keffry, Minkowsky, Najarian, O'Leary, Pray, Traffon, Usher, Violette, Wood.

ABSENT—None.

A Roll Call was had.

13 Senators having voted in the affirmative and 19 Senators in the negative, with No Senators being absent, the motion to Accept the Minority Ought Not to Pass Report of the Committee does not prevail.

The Majority Ought to Pass, as amended, Report of the Committee Accepted in concurrence. The Bill Read Once. Committee Amendment "A" Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

(Off Record Remarks)

Divided Report

The Majority of the Committee on Local and County Government on, Bill, "An Act to Clarify the Authority of Councils of Government." (H. P. 710) (L. D. 835)

Reported that the same Ought Not to Pass.

Signed:

Senator: CHARETTE of Androscoggin
Representatives:

LaPLANTE of Sabattus
STOVER of West Bath
PARADIS of Old Town
SWAZEY of Bucksport
McHENRY of Madawaska
ROBERTS of Buxton
RIDLEY of Shapleigh
WENTWORTH of Wells

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senators: PERKINS of Hancock

AULT of Kennebec
Representatives:
CURTIS of Waldoboro
ARMSTRONG of Wilton
Comes from the House, the Bill Passed to be Engrossed.

Which Reports were Read.
On motion by Senator Perkins of Hancock, the Minority Ought to Pass Report of the Committee Accepted, in concurrence. The Bill Read Once, and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Allow Municipalities the Option of Charging Reasonable Service Charges on Certain Tax Exempt Property." (H. P. 227) (L. D. 264)

Reported that the same Ought to Pass in New Draft under Same Title. (H. P. 1459) (L. D. 1598)

Signed:
Senator:

WOOD of York
Representatives:
POST of Owl's Head
INGRAHAM of Houlton
HIGGINS of Portland
KANE of South Portland
KILCOYNE of Gardiner
TWITCHELL of Norway

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:
Senators:

TEAGUE of Somerset
EMERSON of Penobscot
Representatives:
BROWN of Bethel
MASTERMAN of Milo
DAY of Westbrook
HAYDEN of Durham

Comes from the House, Bill and Papers Indefinitely Postponed.

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: I move we Accept the Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Somerset, Senator Teague, moves that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

The Senator has the floor.

Senator TEAGUE: Mr. President and Members of the Senate, this Bill is similar to legislation considered and rejected by this Body in the 109th Legislature. It would allow municipalities to hold a referendum on whether or not to impose a so-called, service charge, on otherwise tax exempt property owned and operated by: one, benevolent and charitable organizations; two, literary and scientific institutions; three, chamber of commerce and boards of trade; and four, fraternal organizations operating under the lodge system.

Under the terms of the Bill, each of our 498 cities and towns would determine whether or not to impose a service charge on one or more of these categories. It would, by ordinance, determine the nature of the fee with respect to fire protection, police protection, and winter maintenance.

I believe as I did two years ago, that Passage of this Bill would be unwise, contrary to the tradition of encouraging the organization of such institution, and furthermore, it would be impossible to implement.

The original intention behind these property tax exemptions was to encourage the organization and development of these institutions, and to encourage the rendering of the charitable good work and service they provide. The concept makes even more sense today, as we realize at long last, that government can not and should not provide for all of our services, pro-

grams and needs.

With the anticipated budget cuts for the support of various services at the State and Federal levels, it is critically important, now more than ever, that we encourage voluntary efforts and self help. Property tax exemptions provide a means for the State to support certain organizations and institutions which are deemed in the public interest to support without necessarily involving the expenditure of State funds. It is a means of encouraging the allocation of resources to socially desirable organizations and institutions.

The institution of Educational Health and Welfare institutions show that they are performing public services which otherwise the government would be required to take, or are advancing cultural and social causes that the government wishes to encourage. Any change or elimination of a tax exemption will be disruptive and cause an increase in the operating costs of these tax exempt organizations, threatening their ability to carry out fundamental tasks.

I have several problems with the pending Bill. From a philosophical standpoint, I simply disagree with the imposition of service charges on property owned by tax exempt organizations. Either an activity is worth a tax exemption or it is not.

Second, the Bill claims to rely upon local control to determine the categories of properties to levy a charge, and also to determine the nature of such a charge. This is not local control, but is rather local chaos, and further represents a refusal on the part of the Taxation Committee and the Legislature as a whole to determine a reasonable basis for assessing service charges, and determining the nature of properties which ought to be subject to the charge.

We have within our borders 498 cities and towns, each of which will be charged with a responsibility of determining which categories of property to exempt, and how, and in what way to impose appropriate fees for police, fire and other protection.

This Bill was supposedly drafted in response from the Attorney General's opinion two years ago. This opinion set forth a very rigid criteria, for the imposition of a service fee, and stated quite clearly, that the fee can not be a property tax in disguise. Only the Legislature can grant or exempt property taxes.

As one of the witnesses before the Committee testified, if it looks like a tax, and smells like a tax, then it is a tax, and ought to be imposed by this Legislature and not by our localities.

I hope we Accept the Minority Ought Not to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President and Members of the Senate, I'm under no illusions as to what the final outcome of this Bill will be today, but I do feel an obligation to defend the Majority point of view on the Committee on Taxation, and would urge you to seriously consider when you vote, whether you want to Accept the Ought Not to Pass Report.

There are basically three points that I'd like to share with you this morning. The first being that when we heard the debate on the 2 percent sales tax the other day, I made the point that we had other vehicles in Committee that I think could better meet the needs of our cities and towns. That was the reason why I voted against the 2 percent sales tax.

I think this Bill is a much more reasonable and responsible approach to meeting the needs that we all recognize exist out there in our towns and cities, that the property tax simply is no longer an acceptable way of paying for the services that the towns and cities have to provide. The State has an obligation to find ways to improve services to those towns and cities without burdening the taxpayer any more.

Although I did not support the Sales Tax, I do support this approach because I think it's more realistic.

The second point that I would like to make is that it's realistic because the Legislature over the years has granted these exemptions. Although the good Senator has argued that the reason we granted these exemptions is because we wanted to foster cultural development and charities in the State, we did it without it costing us any money to do. It was very easy for us to grant exemptions, because we never had to foot the bill. It's ironic that the Legislature can be charitable as long as the charities don't hit us. We did not have to come up with the funds to grant these exemptions. The funds had to be brought at the local level.

I think it's ironic to ask the Legislature to keep granting exemptions, exemptions that we do not have to foot the bill for, the taxpayers have to foot the bill for. This is one area where I think we should return some control to the local level. If we are serious about being charitable, why don't we grant income tax exemptions, and not property tax exemptions?

It is interesting to note that since the Constitutional Amendment went through that required the Legislature to come up with 50 percent of those tax exemptions on the property tax, that we have not passed one exemption from that time. Our charity has waned, when the responsibility to pay for that charity has come upon us.

I would say that what has been charity in the past, is a very phony form of charity, and that we had to not come up with the bucks to pay for it.

I would argue that the towns who have had to suffer our charity over the years, it's now their turn to decide where the charity should go. This Bill provides for local control for those towns to decide whether the organizations in those towns receiving tax exemption are worthy of receiving that exemption, or whether they should be charged a service fee, a fee for services rendered. They will not be paying for the education of children, because obviously that is not a service that they are providing anything for. They will be paying a fee for police protection, fire protection, roads. These are services that they benefit from, and their organization benefits from, and something they should pay.

Finally, I would argue, that I belong to many of these charitable organizations. I think that many in this body probably belong to one or if not more of the organizations that will be effected. I think it's incumbent on me, as part of that membership, to make sure that I'm a payer in that community, and I pay for those services. I certainly would not object of our organizations would have to pay. In fact, many organizations now pay a fee, although they are not required to.

What we are really dealing with is what might be a property exemption for some, is a property increase for others. It's time to reverse that trend. This is one way of doing it. I think it's a fair and equitable way of doing it. I would urge you not to vote for the Ought Not to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, my City of Lewiston and its citizens are of the opinion that the time has come when the citizens of a community should be given the right to determine what community services they wish to subsidize through their local property tax. There is no question that all these institutions mentioned in LD 264 are receiving valuable, expensive services from the municipalities in which they are located, and should pay their fair share.

The argument has been made that these institutions do provide community services, and should be subsidized by the municipalities in which they are located. Under this Legislation,

the City of Lewiston, with full implementation of the service charges, these institutions would continue to receive a 70 percent subsidy of what their tax bill would be, if they were not tax exempt.

LD 264 allows municipalities to charge a service fee for police, fire, and public works services, for which in the City of Lewiston, amounts to approximately 30 percent of the normal tax bill.

The argument is made that this service charge would increase hospital room rates and college tuitions. My city's position, that a service is to be provided to these institutions, and the basic question is who should pay for these services? The individuals using the facilities, or the people owning property in that particular community? The City of Lewiston says that the people using these tax exempt institutions should pay a service fee for the services they are receiving. The citizens of Lewiston can no longer afford to pay or provide 100 percent subsidy for municipal services to these institutions.

In the City of Lewiston the property tax exemptions addressed in LD 264 represent a total tax exemption of \$75 million. \$75 million. The municipal service allowed to be included in the service charge represents approximately 30 percent of the present tax rate, which translates in revenues to the city, after the four year phase-in of the service charge, of \$500,000 in much needed revenue to handle our municipal affairs.

My city finds no compelling reasons why the citizens of the City of Lewiston should continue to provide 100 percent subsidy for municipal services for these presently tax exempt operations. Also, my city is compelled to provide these services to two major hospitals, which serve a diameter, or distance around Lewiston, of 30 miles. Whether the snow removal during the winter time, fire protection, and police protection. When you get involved in union negotiations, this takes one tremendous slice out of our municipal budget.

It's rather interesting to note that even with Maine Health Systems agencies, and everything else that has been involved, the amount of competition between the two hospitals and sometimes stressing unnecessary innovative, creative ideas, for additional services such as catscan. Who pays for those services? Is that a subsidized entirely by the users? Or is it a combination of subsidy between the users and the Federal government, who authorized the thing originally? There's too many games being played at the expense of the taxpayers of communities of my particular size. I think it's about time we put a halt to it. I think we are on the right track at the present time, and wish to address this very, very dilatorious situation, which will continuously erode at the expense of the taxpayers at local basis.

The arguments are rather compelling, to say that these institutions provide a vital service, that they've been charitable for many years. Yes, that may be true many years ago. Times have changed radically since then. I just can not see the burden being placed upon the local taxpayers at this particular point.

I concur wholeheartedly with the remarks made by the good Senator from York, Senator Wood. I know the trials and tribulations, from following this Bill rather closely, that the Taxation Committee has gone through. I think the compelling arguments today should be to pay close attention to what is costing us at the municipal level.

I certainly hope that you would not Accept the Minority Ought Not to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate, I would like to state very clearly that I back a service fee. I back a service fee a city can levy to all institutions. All institutions are not included in this Bill. If you

take a look at this Bill, first of all veterans are out, veterans' organizations. Why are you going to levy a service fee on your local Y? Why are you going to levy a service fee on United Fund agencies and leave veterans out? The Red Cross is left out, yet hospitals are in. Churches are left out. Synagogues are left out. To me, it's a principle that either you levy that service on every single organization, or you don't pass a bill like this that specifies just a few organizations.

If somebody wants to put an amendment in, levying that service fee on, allowing the towns to levy a service fee on all organizations. All organizations require fire protection, police protection, snow and ice removal. These three are specified in the Bill, yet garbage collection, that's not included for some reason.

I think the communities should have the ability to levy a fee on all organizations. Once you grab hold of a few of them like this, you're never going to get the other ones in. I think it should be completely, across the board, to all organizations that receive services from a city.

I would vote for a bill like this, but I can not vote for a bill that just chooses certain organizations that the members of the Committee feel are more vulnerable than others.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President and Members of the Senate, I would like to respond to the questions that the good Senator from Penobscot, Senator Trotzky, raised, and tell you what the thinking of the Majority of the Committee was in regards to veterans' organizations and churches. I'm unaware of the Red Cross provision, and would have to search my notes for that.

We felt that the majority of the institutions involved should be judged at the local level as to the benefit that that community derives from those organizations. We exempted veterans because we feel that the veterans' service was to the whole State and to the whole country, and could not be judged at the local level. Veterans had fought and had given of their time and sometimes their lives for our country. That was a service that we all benefited from, not any particular community. We felt rightly justified at exempting veterans' organizations.

We exempted churches because of some serious constitutional questions about separation of church and state. There was some sentiment on the Committee to include churches, but we felt that would only mire the Bill in constitutional arguments. We felt that that was unwarranted at this time.

I would suggest that if the good Senator is serious about supporting the concept, that he would vote for the Bill today, and offer an amendment tomorrow. Maybe he'd have the support of members of the Committee.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate, I would also say in response to the statement of the Senator from Penobscot, Senator Trotzky, that these exemptions were not granted in one fell swoop. They came in gradually over several bienniums, I suppose. So it isn't likely that we're going to get them all covered in one fell swoop. I think this is a good beginning, or it could be a good beginning.

When you vote against this Bill, you're voting against eliminating the ability of a town to charge a service fee against any of those categories listed. There are some that are more capable, some of these categories that are more capable of paying and should pay.

Plus the fact, please keep in mind, that the local government body would have to first approve each category, and secondly, it would then go out for referendum. If the people of a community want to charge service fees against certain categories of benevolent and charitable institutions and so forth, we should give them

that right.

I just want to point out for example, in the case of hospitals. Maine Medical Center, 70 percent of their patients are not from Portland. We had 204 fire calls, to Maine Medical last year, to all the hospitals in Portland, 90 percent of these were to Maine Medical. The city never sends less than three fire trucks. It certainly can be argued that fire protection, police protection, and rubbish removal, are as important to the health and safety of the patients in that hospital as any service which the hospital provides.

Yesterday's newspaper, I don't know if you all read it, it talked about a Congressional study which shows that cities of all sizes and all regions are in great financial difficulty. There's drastic and sudden reductions in assistance in state and local, to state and local governments, will exacerbate already serious fiscal problems. My city is in serious fiscal problems. They are contemplating laying off another 200 school and city employees, and yet our tax rate is going to be increased probably a minimum of 7 percent.

A lot of the charitable institutions are now already paying for these services, because they are renting buildings, so there's already an inequity built in and they're paying the costs for schools as well as all the other municipal services, which are not included under this Bill. All these institutions would still be receiving road maintenance and construction, traffic control, sidewalks and streetlights, and all of those, without any charge.

Just three minimum basic services are provided in this Bill. I hope that this Senate will not Accept the Majority Ought Not to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Charette.

Senator CHARETTE: Mr. President, Women and Men of the Senate, I, too, as Senator Minkowsky have been lobbied quite heavily from my city, the City of Lewiston. However, I feel that I do have to rise and support the Minority Report, Ought Not to Pass. I would like to stress two or three points about this Bill.

The Bill would allow individual cities and towns to impose so-called service fees on otherwise tax exempt properties which it wished to impose a fee consistent with categories already spelled out in the law. These categories include charitable and benevolent institutions as one category, literary and scientific institutions as another category, chambers of commerce as another category, and fraternal orders as still another category.

The pending Bill leaves alone an existing category of exemption, houses of worship and parsonages up to a value of \$25,000. It is very important to focus on the nature of this last exemption. It only exempts the church structure itself, and the parsonage or rectory with the value of the exemption on this parsonage or rectory limited to \$25,000. All other church property, including schools, hospitals, homes for the aged, houses for the administration of human services programs and so on, would be exempt currently under the charitable and benevolent category, or possibly the literary and scientific category.

Throughout our State, such institutions as St. Mary's Hospital, Mercy Hospital, Cheverus High School, St. Dominic's Regional High School, our parochial schools, would all be found within these charitable and benevolent categories, or within the literary and scientific category. So would the Boy Scouts, Girl Scouts, YMCA's, Goodwill, Salvation Army, and on, and on, including any number of charitable and benevolent groups.

Under the terms of the Bill, and under our Constitution, if any one charitable and benevolent institution were taxed, then all of them necessarily would be taxed. I refer you as well to the last line of the Bill, Subsection 8C, in

which it is clearly stated that this is the case.

Proponents of the Bill stress local option features of it, and would say that these decisions can be made at the local level. Subsection of 8C of the Bill, and my understanding of the Attorney General's opinion rendered two years ago, makes it clear that properties within a given category must be treated equally.

Therefore, if we want to impose a tax on hospitals generally, we must, also, tax charitable and benevolent institutions including convents and other religious properties who fall within this category. If we want to tax Colby College, Bowdoin College, or Bates College, we, also, have to tax our parochial schools.

This measure is claimed by its supporters as a substantial benefit to our city and town governments who are strapped for funds. I suggest, that if they insist on taxing or imposing fees on our parochial schools, they will only succeed in closing these schools down, and thereby, create new fiscal problems for themselves, which I know they are not prepared to handle.

I would, therefore, urge you to join me in supporting the Ought Not to Pass Report, in defeating this measure. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, when the vote is taken, I request a Roll Call.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I expect to be extremely brief on this Bill. I am speaking as the Senator from District 9 in that great City of Portland. Mr. President and Members of the Senate, I often thought, having a very large number of sons, that on occasion, it's always been a treat of mine to take some of the boys off to one of the fast food chain outfits and grab some hamburgers and french fries. It's also, extremely normal that many times they have several friends with them, and they join the crowd, we go out and have a good time.

It's always been something that I never premeditated was the fact that there were going to be additional people, so when I ended up in one of these fast food chain outlets, it obviously was sort of a hidden expenditure that was coming on me. It's exactly the same thing that's happening in every town and every community throughout this state, that every time we give an exemption to another property in our communities, it means that you and I, it means those people who are on fixed income, it means those people who can least afford it, generally the taxpayers themselves, of middle and low income, are picking up this hidden tax.

I wonder what the human cry would be some day, if the alarm rang in, and one of our towns or cities decided not to respond to that particular business?

It really becomes frustrating to me, when I know, particularly the hospitals in our city, in the City of Portland particularly, that are just reaping in dollars at the end of a year. We have three major hospitals in the City of Portland. Do you think any of them ever said, because of the services, that you provide to us, that we can count on, that in lieu of taxes we're going to make some contribution to you, to help get by? No, not one scintilla. We have Blue Cross/Blue Shield, who's charter under the State, is tax exempt, but in lieu of taxation, pays to the City of Portland exactly what that building is val-

uated for taxes.

I think it's time that we all woke up, and started taking a look at our tax bills when they come in every year, and start thinking about those little sacred entities throughout our community that make no contribution whatsoever to meet the financial responsibilities of running that town or municipality. I think that this Bill makes sense. It allows the municipal officers to put the referendum to the community to let them adopt this.

Why should we stop it here? Allow the local people, local control, to make that decision as to whether or not, they want to continue to allow these businesses to be tax exempt.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President and Ladies and Gentlemen of the Senate, as many of you are aware, I come from a small town in Hancock County which has a hospital, so I don't speak without some empathy for those communities that have hospitals. I, also, earlier in the year, spent some time in another hospital which was in the City of Bangor, where the good Senator from Penobscot, Senator Trotzky resides.

During my stay within that hospital, I had many visitors, fortunately, and each of my many visitors would bring some form of something for cheer for me. So lacking many other things and being tired of looking at the tube, I would inquire of each visitor where they did indeed purchase the gift, or flowers, or whatever they brought. Ninety percent of my visitors purchased the gift within the City of Bangor.

So while we are saying here that these cities do suffer from the lack of taxable remuneration, they do gain somewhat with their merchants. It is my impression that these merchants employ people, and that these people pay taxes. While they are given gainful jobs and that their taxes, and their salaries are paid by visitors or people just like myself. It would seem that there must be some sort of a trade-off here.

I, also, would submit to you that were we given the privilege, in Blue Hill, of passing some form of service fee on to our hospital, which while it is small is in commensurate size to the size of a hospital and the population of the City of Bangor. Would we not also find that that charge would be passed right through to my room costs, or to the insurance cost? So, therefore, would not those costs then be reflected in the health care costs? I have heard people who have spoken on the opposition side of this today, cry with woe about the increasing health care costs.

I suggest to you, that this is merely a pass through and to pass this would only be a pass through to our health care industry.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate, I would just like to point out that that argument that the good Senator from Hancock just made has been made frequently in relation to this Bill, in fact hospitals, for example bring in out-of-state, out of town visitors who then buy meals, purchase flowers, and so forth in the community. That does not help that municipality. It helps the State Sales Tax, and it helps the State Income Tax. It does not benefit the municipality.

Secondly, I would say, that if hospitals chose to pass on this service fee, to their patients, in most cases, it would be less than one dollar per day per room. Considering what hospitals, in their expansion, what kind of charges they presume to pass on to their patients this is totally insignificant.

I would say that in the Kennebec Journal in February, the President of the Kennebec Valley Medical Center, said that we could charge our patients \$5,000 per day and they would not know the difference, 75 percent of them. He is absolutely right. I think that that is

a specious argument and I hope that nobody here buys it.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: Mr. President, Ladies and Gentlemen of the Senate, this is a long standing issue. It is not a new issue. I would just like to state that having worked for the United Way Organizations, and the Catholic Charities Organization in the State of Maine, and having never worked for a hospital, I feel that the issue here, unfortunately is being polarized.

I am not standing up here in defense of the hospitals in the State of Maine, although I do think that they provide service to people and I do believe the current law that local communities, could now negotiate with the hospitals, as many of the private organizations have, to contribute to the local tax base.

I would encourage the good Senator from Cumberland, Senator Conley, and members of the Cumberland delegation to negotiate with these hospitals to contribute, if they do feel that it is necessary.

I would have to say that why don't we close down all of the charitable organizations? Why don't we just close down all of these educational facilities, that have been providing a service to the people of the State of Maine, for years. When government itself would not contribute.

The key factor here is bucks, it has been bucks for years. The federal government is now passing on responsibilities to the State, the State is passing it on to the municipalities, and now the municipalities are going after elderly organizations, they are going after veterans organizations, they have to, because we have not controlled the cost of government spending, because we have not managed our business properly.

I feel, for one who has worked with these private organizations for years and have contributed as a taxpayer to the tax base as a business man, and as a private citizen, I pay my dues and I see many other people who belong to these organizations, as a taxpayer.

Now let's take our hands off the people who are trying to do something that the government has not done in the past and is now telling them that they are not going to do in the future.

So, I think the fact that local municipalities are facing a problem, or the federal government is facing a problem, or the state government is facing a problem is the reality. Face it, accept it, but do not say that these local groups have not contributed to the cities and the quality of life in our state. They have.

I think that if you are going to do this that we have to place the proper burden on those who have to accept it, and that is us, the State Legislature. If we want to save money we have to be more efficient, and we have to respect the responsibilities of the local municipalities, and let them negotiate now. They can do it under current State law, I say let's not put a burden, an extra tax, on these paternal organizations and other groups that are trying to provide a service that government has failed to do in the past, and certainly will not do in the future.

I do not support this measure.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate, perhaps it is beneficial for me living in the southern part of the State, that on occasion I have the opportunity of riding through the Old Orchard Beach, and I notice all those vast hospitals and non-profit organizations throughout Old Orchard Beach, and it would seem to me, it was only last summer they put a hue and cry on demanding that the State send down State police, to patrol the problems that they incurred within that community. When it bulges from 3,000 to over 100,000 people in the summer time. But little Old Orchard Beach, doesn't have too many problems, they rip off the old visitor and tourist as

they come through, and make sure that they gainfully get their receipts to keep the community running.

I would like the good Senator from York, Senator Kerry, to tell me what tax exempt group has ever come in and made a contribution to the taxpayers of Portland, or Old Orchard Beach for that matter, that laid it into the town treasury and said here, take this and help run the city.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: Mr. President, Ladies and Gentlemen of the Senate, Old Orchard Beach, doesn't rip off the taxpayers of this State or any country. That is the first thing that I would like to say. We encourage the people from all nations to come to our beautiful beaches, one of the finest beaches in the world.

Secondly, even though Old Orchard Beach is a small community we do have charitable organizations that contribute to the community through our various fraternal organizations. We give things to the poor people and we do it through many groups.

Specifically I think that Senator Conley would be edified not only by the Old Orchard Beach people through our fraternal organizations, but through our local initiatives of charitable organizations such as the Catholic Charities Appeal. We, as people of my particular faith, which I think I share with the good Senator, we have through our organizations contributed to local municipal tax bases, through voluntarily giving a portion, that small portion that we can afford both to Old Orchard Beach, and I am sure that the Bishop of Portland has indicated in the past, and even in the fine City of Portland, many of those fine organizations have contributed voluntarily to those organizations.

I would just say as a matter of courtesy to the good Senator that he is welcome to come to Old Orchard Beach and to be a guest at my home at any time to enjoy our fine seasonal shores. Thank you.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President, Men and Women of the Senate, I think that I deserve combat pay for sitting between Senator Conley and Senator Kerry.

I would only point out that there is presently nothing on the statutes that calls for a negotiation process that Senator Kerry talks about. Granted if a hospital or any charitable organization wanted to make a contribution to a town, that would be appropriate, but there is nothing in the statutes that sets up a negotiation process, because there is basically nothing to negotiate. They have the exemption, we granted that exemption.

I would also point out that this Bill, in no way intends to do away with fraternal organizations. I belong to a number of organizations, and would certainly not be voting here today, if I thought that it meant that those organizations would no longer exist.

It simply allows municipalities the choice, if they choose to, to have a service charge put on these various organizations.

I was chatting with the head of our hospital and he was convinced that in our town, that that would probably not happen. We seem to be in a fairly good financial position. The hospital and other various organizations are well thought of, they provide many services and so I am sure that our town would not chose to do that, but we should have the option to at least consider it.

Finally it is an interesting analogy to say that these organizations were set up to help poor people, and if we do away with them we won't be helping poor people any more. It is sort of like feeding the chickens by feeding the horses, because what happens is that poor people continue to be poor because they can't pay their property taxes, because of all these organiza-

tions. If we keep these organizations, the poor will always be with us. So maybe that is why we need not to pass this Bill, so that the poor will always be with us.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Just one more point. I would like to say, that people who bear the full brunt of property tax increases, are those low income elderly whose property taxes are more than \$400 and those earning less than \$28,000. If your earnings are more than \$30,000 your income tax deduction is greater than the property tax increase. People beyond that income level actually benefit from property tax increases. So I would like to point out that who is really subsidizing these tax exempt organizations are the moderate and low income and the poor elderly.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: I would like to make one more comment with regards to, the good Senators from Cumberland, both Senator Najarian, and Senator Conley. I was greatly disheartened this year, when I was reading in a local Portland Paper that Cathedral Grammar School was going to be closed down. I think that this is a very important point, I went to school in Portland at Cheverus High School, and I appreciated my private education. I felt very badly for many of the families that I worked with when I was working as a social worker in Portland, and as a businessman in Portland. Many of the poor elderly that we are talking about, many of those poor families were educated in many of those schools in Portland. Who is going to pay for the increase in the taxes when all of these schools close down? What is going to happen to the quality of life of the families that everyone has been fighting for, for all these years?

I think that these people should take a good look at that as well. I know that I would like to see those schools stay open. I saw the schools in my local area close down. One of the reasons is the fact that we have not recognized our responsibility. I do not think that we should use this argument that it is the poor and the elderly and every one that is going to be paying for this.

When these schools close down, I have seen estimations of the millions of dollars, that are going to be laid onto the local property taxes, because there will not be private schools and people such as myself and our families that have cost us extra dollars, to send our children and our families to private schools, because we feel that it adds to the quality of life. I think that this is a very important point, and I think that both Senators from the City of Portland should look at that. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate, I never realized that the good Senator from York, Senator Kerry, was such a historian on the City of Portland. Where was he when Sacred Heart closed down, where was he when Saint Dominic's closed down, Cathedral is closing down and it is not because we are applying service fees. I would suggest that he talk to the bishop. The bishop would tell him, John Bapst was almost closed down because of the good Senator from Penobscot, Senator Trotzky last year. There are reasons why private schools are closing. It's not because of local service fees or the threat of local service fees.

Since I'm on my feet, Mr. President and Members of the Senate, I think I will broaden the scope just a little bit. I told you we have three major hospitals, aside from all those other little outfits that are getting a free ride. Those hospitals don't just serve the taxpayers of the City of Portland. I haven't seen any hos-

pital in Freeport. I've seen none in Cumberland, or Falmouth, Bridgton. Nope when someone gets sick, let's go to Portland, where we'll get top medical care. Excuse me, there's a regional one in Bridgton, just of recent date.

For miles around, good old Cape Elizabeth, good old Falmouth, right down the line, they come in. They pay their bills, generally third party payment. Nobody cares what the cost is. Third party payment. We got the insurance. They take care of it. That's it.

We have a nice parking garage down here in the City of Portland that many of you read about, for the employees. It probably handles anywhere between 350 and 550 cars. Tax exempt. Tax exempt. That one went all the way to the Supreme Court. Is that part of running the hospital?

I ask you, and I remind you, I should remind you once again, everytime we give an exemption, that's been given by legislators long ago, it's a tax on your pocketbook. Those who can least afford it are picking up that additional tax. If you want that to continue, vote against this Bill. If you want people on the local level, and we've all heard the hue and cry of local control, allow the people to make that decision themselves, within their community. That's all I'm asking today.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Somerset, Senator Teague, that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of the motion to Accept the Minority Ought Not to Pass Report of the Committee.

A No vote will be opposed.

The Doorkeeper will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Carpenter, Charette, Collins, Devoe, Dutremble, Emerson, Gill, Hichens, Huber, Kerry, McBreairey, O'Leary, Perkins, Pierce, Pray, Sewall, C.; Shute, Sutton, Teague, Trotzky, Usher, Violette.

NAY—Brown, Bustin, Clark, Conley, Minkowsky, Najarian, Redmond, Trafton, Wood.

ABSENT—None.

A Roll Call was had.

23 Senators having voted in the affirmative and 9 Senators in the negative, with No Senators being absent, the motion to Accept the Minority Ought Not to Pass Report of the Committee does prevail.

Senate

Leave to Withdraw

Senator MCBREAIRTY for the Committee on Energy and Natural Resources on, Bill, "An Act to Regulate the Alteration of Freshwater Wetlands." (S. P. 392) (L. D. 1185)

Reported that the same be granted Leave to Withdraw.

Senator PIERCE for the Committee on Election Laws, on, Bill, "An Act to Revise Governmental Ethics and Election Practices." (S. P. 483) (L. D. 1365)

Reported that the same be granted Leave to Withdraw.

Senator USHER for the Committee on Transportation, on, Bill, "An Act to Reimburse Certain Licensed Drivers who Paid a \$16 Fee During the Transition to the New License Fee System under the Motor Vehicle Laws." (S. P. 95) (L. D. 211)

Reported that the same be granted Leave to Withdraw.

Senator TROTZKY for the Committee on Public Utilities on, Bill, "An Act to Assure the Appropriate Development of the Hydropower Potential of Maine Rivers." (S. P. 491) (L. D. 1396)

Reported that the same be granted Leave to Withdraw.

Senator TROTZKY for the Committee on Public Utilities on, Bill, "An Act to Relieve Public Housing Authorities from Excessive Utility Charges." (S. P. 48) (L. D. 57)

Reported that the same be granted Leave to Withdraw.
Which Reports were Read and Accepted.
Sent down for concurrence.

Ought to Pass — As Amended

Senator SEWALL for the Committee on Labor on, Bill, "An Act to Require the Workers' Compensation Commission to Conduct a Data Systems Study." (S. P. 189) (L. D. 491)
Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-244).

Which Reports was Read.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Acceptance of the Committee Report.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Concerning Information Provided by Insurers Prior to Rate Approval." (S. P. 345) (L. D. 988)

Reported that the same Ought to Pass.

Signed:

Senators:

SEWALL of Lincoln
SUTTON of Oxford
DUTREMBLE of York

Representatives:

BEAULIEU of Portland
FOSTER of Ellsworth
MARTIN of Brunswick
BAKER of Portland
LEWIS of Auburn
HAYDEN of Durham
LAVERRIERE of Biddeford
TUTTLE of Sanford
McHENRY of Madawaska

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Representative:

DAMREN of Belgrade

Which Reports were Read.

The Majority Ought to Pass Report of the Committee, Accepted and the Bill Read Once, and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Revise Workers' Compensation Disability Payments." (S. P. 358) (L. D. 1033)

Reported that the same Ought Not to Pass.

Signed:

Senator:

DUTREMBLE of York

Representatives:

BEAULIEU of Portland
TUTTLE of Sanford
MARTIN of Brunswick
BAKER of Portland
HAYDEN of Durham
LAVERRIERE of Biddeford
McHENRY of Madawaska

The Majority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senators:

SEWALL of Lincoln
SUTTON of Oxford

Representatives:

DAMREN of Belgrade
LEWIS of Auburn
FOSTER of Ellsworth

Which Reports were Read.

On motion by Senator Collins of Knox, Tabled for 2 Legislative Days, pending Acceptance of Either Committee Report.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Standardize Death Benefits under the Workers' Compensation Laws." (S. P. 359) (L. D. 1034)

Reported that the same Ought Not to Pass.

Signed:

Senator:

DUTREMBLE of York

Representatives:

BEAULIEU of Portland
FOSTER of Ellsworth
LEWIS of Auburn
TUTTLE of Sanford
MARTIN of Brunswick
BAKER of Portland
McHENRY of Madawaska
LAVERRIERE of Biddeford
HAYDEN of Durham

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senators:

SEWALL of Lincoln
SUTTON of Oxford

Representative:

DAMREN of Belgrade

Which Reports were Read.

On motion by Senator Collins of Knox, Tabled for 2 Legislative Days, pending Acceptance of Either Committee Report.

Divided Report

The Majority of the Committee on Local and County Government on, Bill, "An Act to Reorganize the Government of Aroostook County." (Emergency) (S. P. 533) (L. D. 1494)

Reported that the same Ought Not to Pass.

Signed:

Senators:

PERKINS of Hancock
CHARETTE of Androscoggin

Representatives:

LaPLANTE of Sabattus
ROBERTS of Buxton
CURTIS of Waldoboro
ARMSTRONG of Wilton
PARADIS of Old Town
McHENRY of Madawaska
SWAZEY of Bucksport
RIDLEY of Shapleigh

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under Same Title. (S. P. 611) (L. D. 1616)

Signed:

Senator:

AULT of Kennebec

Representatives:

WENTWORTH of Wells
STOVER of West Bath

Which Reports were Read.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Acceptance of Either Committee Report.

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act to Remove the Customer Charge from Electric Utility Rate Structures." (Emergency) (S. P. 417) (L. D. 1240)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-245).

Signed:

Senator:

TRAFTON of Androscoggin

Representatives:

DAVIES of Orono
KANY of Waterville
McKEAN of Limestone
BORDEAUX of Mount Desert
BOISVERT of Lewiston
RIDLEY of Shapleigh
WEYMOUTH of West Gardiner
VOSE of Eastport
McGOWAN of Pittsfield

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Senators:

TROTZKY of Penobscot
DEVOE of Penobscot

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, I move the Senate Accept the Ought Not to Pass Report of the Committee and would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator TROTZKY: Mr. President and Members of the Senate, today the Public Utilities Commission and Public Utilities Rate Regulation in the State of Maine are under attack. People are upset with high rates because of high energy prices. I think all of us in our homes see what's happening as energy prices go up. We react, but we can't do anything. We pay them.

The PUC is increasing rates for companies, giving them their fair and just return, with the result that people are upset. Today we face before us an initiated referendum, which former Senator Bruce Reeves has instituted. Essentially it wants to do away with the Commission and elect public utility commissioners.

It turns prospective rate regulation into the political realm. Mr. Reeves came in and testified on this Bill, which would eliminate customer service charge, and said this was his number one priority.

What is a customer service charge? Essentially, if you take a look at a bill from Central Maine Power Company, it divides the charge into two sections, a customer service charge and an energy charge. The customer service charge essentially is, they come in and they run poles to your house, they run a line to your house, and wires to the house, they put a meter on the house, on that equipment that's set up to the house, are taxes, interest, insurance. Then they bill you once a month, or administrative costs. There are maintenance costs on the lines, labor costs, and meter reading. That all goes into a minimum charge, a customer service charge.

Many utilities in the State of Maine have customer service charges, not just Central Maine Power Company. They range from a customer service charge on Isle au Haut of \$16, to Central Maine Power at \$5.70, and down lower.

Then you have the energy charge. The energy charge is essentially 5.7 cents, this is Central Maine Power, for every kilowatt hour you use. The more kilowatt hours you use, the more you're paying.

We set up a Public Utilities Commission, essentially, so the Legislature doesn't have to regulate rates of public utilities. We give grant public utilities monopoly status, and then we set up a PUC to regulate them, not the Legislature. There are general laws which the public utilities go under. For example, the Maine Electric Rate Reform Act states: "It is the purpose of the chapter to require the Public Utilities Commission to relate electric rates more closely to the cost of providing electric service." Relate your rates to the cost, to the real cost of providing service. The Legislature tells the PUC to do that.

The federal government, under a law called PURPA, states that: "rate charged by any public utilities providing electric service shall be designed to the maximum extent practical to reflect the cost of providing electric service to each class of rate payer."

The Public Utilities Commission is reviewing the rate of CMP and Bangor Hydro this fall, two major rate cases. They have instituted the customer service charge, which by the way, most states have. In fact, I have a list here of 48 utilities, 42 of them charge the customer service charge. Six of them have gone to something called the minimum charge, where they throw in a certain number of kilowatt hours. It's arbitrary. Some states, for some public utilities, for example, Central Hudson Gas and

Electric Corporation in New York, they throw in 12 kilowatt hours. Kentucky Utility, they throw 16 into their service charge, or to the customer service charge. Metropolitan Edison in Pennsylvania throws in one. Here's Tucson Electric, throws in 100.

The overwhelming majority of utilities have the customer service charge. In fact, I asked the Public Utilities Commission to check what was going on in states. The movement is towards the customer service charge. Alabama is moving towards it. In 1981 of February, Arizona increased the customer service charge to \$9.56. Alaska went to \$12.50. The average around the 50 states is about \$5.00.

I'd like to you to take a look at this Amendment. Taking a look at the Amendment that's put forth by the Committee, the first thing they do, is they say, eliminate the customer service charge. They put in a minimum charge. The minimum charge goes only to utilities with over 20,000 customers. It's discriminatory. It hits certainly the big utilities, but eliminates a lot of the other ones.

Secondly, they throw into that so-called customer service charge, they throw in 80 kilowatt hours, which is also arbitrary. Why not 100? Why not 50? Why not 10? The Committee decided arbitrarily to throw in 80 kilowatt hours. When they throw this energy into the customer service charge, it becomes all of a sudden known as a minimum charge. Somebody has to pay for that 80 kilowatt hours thrown in. What it does is it causes cross-subsidization where people on one end of the scale — in fact, what takes place, is 5.7 cents kilowatt hour would rise to 6.2 cents a kilowatt hour. It causes cross-subsidization.

What takes place is your poultry farmers who use a lot of electricity get hit harder. The wisdom of the Committee, the Majority of the Committee, turn around on the last page, and tell the Public Utilities Commission to institute a family farm rate. Now we're going to have the, somebody's going to have to subsidize chicken farmers, or the potato farmers, or the dairy farmers, or any farmers. There's no guidance as to how you institute a family farm rate.

Then, to make things worse, the Amendment, in my opinion, shows intellectual dishonesty. If you take a look, it makes the statement, the so-called minimum charge shall be instituted, the minimum charge, in such a manner that all cost to the customer shall appear on the statement issued by the company as a single item. In other words, it folds everything into a single item, so the customer doesn't see what's going on. To me, that's intellectually dishonest.

This is overwhelmingly popular, politically, because of this initiated referendum, many members of the Committee felt this is the easy way out. We give that Public Utilities Commission guidelines, reflect the rates, reflect the actual costs in your rates. Don't turn around and have some customers subsidize farms. Don't turn around and have other customers subsidize others. This Legislature rejected electrical lifeline years ago. Why? Because the public objected to one group subsidizing another. When you go buy electricity, it should reflect the actual cost.

By the way, let me say something else, I think it's very important. The utilities don't care about this Bill. Central Maine, I can say all of them don't. Central Power doesn't care that much. Neither does Maine Public Service. Why? Because all they're interested in is the number of dollars that flow in. They're going to be given a fair rate of return, no matter whether this Bill passes, or doesn't pass. This is not a for utility or against utility bill. This Bill is meaningless to some of the utilities, because they're going to get their fair rate of return. It's going to be cross-subsidization. Some customers are going to be paying more for electricity than they should, while others are

subsidized.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFFTON: Mr. President, Men and Women of the Senate, I would hope that this morning you would not Accept the Minority Ought Not to Pass Report so that we could indeed Accept the Majority Ought to Pass Report.

LD 1240 lays before you a very radical concept, that what you pay for is what you get. The more you use, the more you'll pay. This \$5.70 charge, which is the subject of this Bill, has probably caused more public outcry, certainly in my terms of office, than any other single thing that the Public Utilities Commission has done. I received letters, as I'm sure you have, phone calls, as I'm sure you have. When I included it on a questionnaire, it's overwhelmingly the number one item that people would like to see eliminated. The public hearing, again confirmed the very high public interest in what this \$5.70 charge is all about. Many individuals came forward, and many groups testified in support of this Bill, including the Maine Committee on Aging. As late as August 4, 1980, over 100 paying customers of CMP appeared at a public hearing in the then pending rate case for CMP asking that the \$5.70 be eliminated.

What is this customer service charge that the good Senator from Penobscot has so ably tried to explain, using the CMP bill. Basically, it's just saying that there's a fixed amount that should be paid for any given service. I'd like to parallel it to a supermarket. If we were to institute a customer service charge in a supermarket, then the first thing we would do when we went through the turnstile in the door, we would pay something for the privilege of having that supermarket in our town. Food certainly is a basic necessity. We certainly need supermarkets. Electricity is a basic necessity. We certainly need electricity.

I would suggest to you that the parallel is apt, and that perhaps indeed the customer service charge in electricity makes no more sense than a customer service charge for food in a supermarket.

Even the telephone company gives us a certain amount of service, unlimited local calling, for what their basic charge is.

Who wants this customer service charge? I think we can certainly say that first of all, it's not the consuming public that wants it. Do the utilities, in fact, want the customer service charge? They did not request that they be given a customer service charge in their 1978 rate case. It was totally the decision of the Public Utilities Commission, which even went against the historic practices of CMP, which had been to require that customers buy at least 25 kilowatt hours, or at least pay for that amount. In fact, if you look at it historically, the Bill before you returns you to essentially the system that we had prior to the 1978 rate case.

Then we turn to the question of whether this charge is justified. I would again point out that testimony is pending before the Public Utilities Commission suggesting that the charge is not justified, and that there are minimum distribution charges imbedded in that cost, which are now, also, fed into the per kilowatt charge. As yet, the PUC has not acted on that testimony.

When the customer service charge was initiated in the 1978 rate case, there were estimates given varying from \$1.91 to \$8.00 for what the cost of some of these basic services should be, the cost of lines and poles, the cost of billing, and so forth.

There are some problems in saying that everyone should pay one basic amount. The good Senator from Penobscot, Senator Trotzky, has talked about the distribution system, so I'd like to focus a few comments on that, myself.

We all recognize that it costs more in rural areas to hitch a home up for electricity than it does in the more densely populated urban

areas. Does this mean that if we're truly going to base this customer service charge on actual costs, that those urban dwellers should pay a lower cost, than those individuals living in rural areas should pay a higher costs because of the length of distance between their homes?

Another factor that's not considered in the customer service charge is the cost of the demand to all of us, to all the consumers of electricity. Currently, we have what we call, the marginal rate, which we pay for electricity, so that if you were to use an additional 10 kilowatt hours next month, you don't actually pay the cost of what it would cost to bring on 10 kilowatt hours in 1981. You pay the average cost, which includes all the facilities that we have had over a period of years which are producing electricity at a much lower per kilowatt cost.

If we were to actually charge those customers who were increasing their demands for the true costs, they would be paying well over two or three times for those additional per kilowatt hours. This customer service charge, in no way, even begins to consider some of the important issues involved in this demand.

Turning the Bill, to just briefly explain it, it essentially eliminates totally the \$5.70 charge, the customer service charge. There's one consideration that the Committee gave in instituting a minimum charge. That was that we have many seasonal customers in Maine, and that clearly, they should pay at least their share of having the electricity available in Maine. To ensure that they paid a certain amount, we instituted an 80 kilowatt hour minimum charge. What this means is that an individual who used nothing, would pay the same amount as if he or she had used 80 kilowatt hours. That would be at the rate determined by the Public Utilities Commission, at the last rate hearing.

The system that we have now, based on a per kilowatt hour figure, is actually subsidizing those individuals who are consuming the largest amount of electricity. For example, an elderly person now who is using just 100 kilowatt hours, is paying 12 cents for each one of those kilowatt hours, while a larger user, who may be consuming 1000 kilowatt hours, is actually only paying 6.5 cents per kilowatt hour. Again, instituting this system on a per kilowatt basis merely says that as you use more, you will pay more. It doesn't offer large users essentially a discount, which is the net effect of having a customer service charge embedded in the cost.

Finally, with regard to the family farms, this has been a problem that we have faced in many Legislative Sessions. It's not new to this Session. We've had many bills before us suggesting that a family farm rate should be established, recognizing their very special needs, recognizing their very special consuming patterns, that is, that they consume very heavily in the off peak hours of utilities, i.e. in the summer. This Bill gives them the opportunity to work with the Public Utilities Commission to establish a fair rate, considering all their particular needs.

I would urge you this morning to give serious consideration to Accepting the Majority Ought to Pass Report. This is not a pro-utility, or an anti-utility bill before you this morning. It's a conservation bill. To the extent that all of us can conserve the amount of electricity that we use, we will avoid the need for a very costly new generating facility, which in turn will save us a great deal of money down the line. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate, this is nonsense that this is a conservation bill. You know, the issue here is whether the Governor, who puts in LD 1240, sets the rates for public utilities, or whether Senator Trafton and certain members of the Committee set the rates for the public utilities, or whether the Commissioner sets the rates for

the public utilities. Right now there are two companies, CMP, which is where this customer service charge bill is aimed at. These two utilities are in the Commission now, in large hearings, which consist of a large Public Utilities Commission staff, which consists of lawyers for the companies and so on, interveners from all groups and so on. They're in the midst of a case to determine how to best set the rate structure.

That's the major issue here. Number one, does this Legislature set rates? Or does the Public Utilities Commission do it? We set up the Public Utilities Commission to do that. This customer service charge is not radical, 38 or 45 states. Those other states are moving towards the customers service charge, because that better reflects the actual cost of electricity to the consumer.

Again, I go on and say, why was 80 kilowatt hours put into this? Why not 90? Don't you have to have a large hearing to determine how many you're going to throw into a, how many free kilowatt hours you're going to throw into a customer service charge and then call it a minimum charge? It started off as 100, then it dropped to 80, because the Committee felt that if you put 100 in, you might get more than \$5.70.

Somebody asked me, what other utilities in the State have the customer service charge? The Amendment just says those with 20,000 customers and more will not have the customer service charge. We'll have minimum charge. Take a look, Kennebunk Light and Power Company has a \$1.50 customer service charge. Madison Electric Works Department, \$4.75 customers charge. Fox Island Cooperative, \$7.70. Union River Electric Cooperative, \$4.00. Swan Island Electric, \$7.50. Eastern Maine Electric Cooperative, \$5.00. You can go on and on here. Isle au Haut, \$16.00. Public Service Company of New Hampshire, \$5.15 customer charge. The average in the county is about \$5.00, so we are not out of line.

It's not a conservation bill, because many of the poor, you know first of all, many poor people rent apartments. When they rent apartments, they usually have an electric hot water heater that's not efficient, refrigerator that's not energy efficient, and other appliances that are not efficient.

Also what's taking place here under this Bill, in order to throw that 80 kilowatt hours in there, and essentially we're doing, saying throw it in there free. In order to throw that in there free, you're taking the 5.7 cents per kilowatt hour, and you're raising it to about 6.2 cents per kilowatt hour.

Lo and behold, all of a sudden the Maine Farm Bureau is upset with this. The Maine Farm Bureau came in with a statement opposing this concept. Lo and behold, to get around that, there's a little thing at the end of the Bill, saying they should establish a farm rate. The Public Utilities Commission should establish a farm rate irrespective of what the actual cost is of delivering electricity to the farms.

This is going to cause a great deal of confusion at the PUC, because they have no guidelines on how you set the farm rate. Should the elderly be paying for the farm rate? Should Senator Conley of Portland be paying for the farm rate? Who should be paying for the farm rate? I'm having a heck of a time in real estate this year because of high interest rates. Why not have a subsidized rate for real estate brokers? That's essentially what you're doing here.

Also, I say, the Bill shows intellectual dishonesty by turning around and saying, take that minimum charge and hide it. Put it in as one charge to everybody so they can't see what the actual charges are.

You know, we once had a fuel adjustment clause. I think those people, a lot of people were out front, they put that fuel adjustment clause out there separately, because if it's out there separately, people will see what they're

being charged for fuel. It caused a furor in the public, because the public saw this fuel adjustment cost rising every few months because the OPEC nations were raising fuel prices.

The public does not like the utility rates to go up. On a Bangor Hydro bill, I started at \$60 this year. Then it went to \$80. Then it went to \$100. I'm upset with it. If you take a look at costs, you know, there are oil costs being passed on here. There's nothing we can do. The public, the utilities must get a fair rate of return on their investment. If they don't get a fair rate of return, then the equipment starts degenerating, and the people don't get adequate service.

Either you believe what we've done in this Legislature, we said to the PUC, reflect the actual cost of electricity when you come up with your rate design. Reflect the actual cost of electricity as best you can. Now we're turning around, when they've done the job according to what we've asked them to do, and what the federal government is doing, we're saying, let's play games here. Let's start setting the rates in the Legislature, because maybe it will get us re-elected easier.

The people have to see what the actual costs are. They should see what the actual costs are. I feel it's wrong to pass this Bill. Essentially, by passing this Bill, we're departing from basic regulatory principles that are set up by the Public Utilities Commission.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Members of the Senate: I have one question that I would like to have answered by a member of the Committee if they would. That is, why were the electric utility companies with less than 20,000 users exempt? Aren't we going to treat everybody fair in the State? Is there a good reason for exempting those with less than 20,000 customers?

The PRESIDENT: The Senator from Waldo, Senator Shute, has posed a question.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, they were exempted, some of them have many summer users, people who are non-residents of the State, or residents who have camps on some of these coastal areas. Some of them have fairly high, they're small utilities, they have small numbers of customers, so this cross-subsidization would stand out very clearly on everybody's bill.

What we're doing with these large utilities, is that cross-subsidization won't be seen, because it won't be that much. Therefore, except for those people at the higher end, like the poultry farmers, or the farmers who use a lot of electricity. They're small companies with few customers. Therefore, when one group subsidizes another, it becomes very evident on the Bill, whereas in the CMP and Bangor Hydro, and Maine Public Service, there are many, many customers, so it won't be that obvious, especially when it is hidden in one single charge.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President and Members of the Senate: last fall my wife and I happened to go into the Governor's office to see one of his secretaries, give a report on some of her relatives in the Town of Eliot. The Governor walked in and wanted to know if we'd like to have our picture taken with him behind his desk. We had our picture taken, and as we were walking out, he put his arm around me and he said, now remember, Walter, during this 110th Session, we conservatives have to stick together.

I think the Governor is getting more conservative, because I've seen fit to be co-signer of five bills which have come out of the Executive Office. This is one of those bills. I firmly believe in this Bill, because I think that some

people are being rooked by a customer service charge which they do not use anywhere near that amount of electricity.

As many of you know, I own a summer home in Nova Scotia. I go down there for about six weeks during the latter part of the summer. After I close it in mid-September, I do not have to pay any electrical fee from the first of October until the first day of May. I am only charged the months in which I use it. If I should happen to go down unexpectedly during those months from October through May, they would charge me for that month, basic service charge, plus whatever electricity I used.

Many of you have said, well we're helping the out-of-staters who own camps and summer cottages in Maine, and we're not helping our own people. A great many of our own Maine people own summer camps. A great many of our elderly people do not use the amount of electricity which they are basically charged for.

I think this is a good Bill, and I hope that you will go along and vote for it.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, I got a similar reaction from the Governor of the State of Maine as the good Senator from York got, Senator Hichens, except his went a little different from mine. He claims when he was in the Senate with me, a few years back, that I was conservative and he was liberal. According to his evaluation today, I'm getting liberal and he's very conservative. I guess he's using two different philosophies on the Republican as well as on the Democrat.

Mr. President and Members of the Senate, I was looking at this part 4 of the Amendment, relevant to the family farm. I've made some inquiries relevant to this. I guess I'm a little confused in the definition of what the family farm represents here in the State of Maine, as far as setting the electric utility rates.

We have dairy farmers, who by no means, can, who use on the average of 3000 kilowatts a month, according to sources here this morning, that can not milk their dairy cows during off-peak hours. We're talking of the poultry farmers who can utilize electrical energy during the off-peak hours. I really believe there should be a better definition as far as what the family farm represents in this particular Amendment.

Also, it was pointed out to me a few minutes ago, that the farmers in the State of Maine, I think there's about 3000 or so listed between the dairy farmers and the poultry farmers, are now on residential rates. I think that was done for a justifiable reason. Will this particular Amendment now compel that they be reassessed by the Maine PUC, and placed on a commercial rate, which I think will have a very dilatorious affect against the farmers of the State of Maine. I just wanted that particular part of my concern to reflect on the Record, Mr. President. If there's anybody who wants to pick it up and answer at that particular point, I'd be delighted to hear their response.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President and Men and Women of the Senate: I'd like to respond to the good Senator's question. I would just read a statement into the Record, "It is the signers of the Majority Report's intent that residential customers who require electricity primarily for agricultural production, as defined in Title 36, Section 20131A shall not undergo any increase in residential electric rates, resulting solely from the enactment of this section."

As far as the actual implementation of that, we feel that that's more appropriately delegated to the Public Utilities Commission, and certainly they will discuss whether that definition in Title 36 is adequate, or whether it needs further refinement.

To respond to the question from the Senator from Waldo, Senator Shute, we asked earlier,

why those utilities who had less than 20,000 customers were exempt. Primarily, that's because they deal with seasonal customers. The vast majority of their customers are seasonal customers, which creates a very different situation than we have for the large utilities in this state, such as CMP, the vast majority of their customers are year round users.

Finally, to respond to some of the points made by the good Senator from Penobscot, Senator Trotzky. It seems as if we've been getting the same information, but we must read things a little bit differently, because, based on the information that we've received from the Office of Energy Resources, every state in the country has for some of its utilities, a minimum charge, except for the State of Alaska, and in fact, here in Maine, the Senator's own utility company, Bangor Hydro, has now a minimum charge, as opposed to a customer service charge.

Although, the good Senator would suggest that somehow we have to be in line with the rest of the country, in the dollar figure, that we charge our customers, I think what we charge here in Maine should bear a direct relationship to the provision of services here in Maine, and not some arbitrary averaging of what all the states in the country are paying. As I tried to explain to Senator Trotzky in Committee, the saying is, "As Maine goes, so goes the Nation," not As the Nation goes, so goes Maine.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, the only reason that I mention that the average is \$5.00 in this country, is to show that Maine is not out of line in terms of their customer service charge.

Bangor Hydro does have a minimum charge, but they're coming in for a rate hearing this fall, and during that time, it may go to a customer service charge because Public Utilities Commissions have been moving in that direction, but what this Bill would do, it would say to the P.U.C., you can't put in a customer service charge for Bangor Hydro.

Now, it totally takes away any flexibility for the P.U.C. to reflect the rate, to make sure the rates reflect actual cost. That's what we're dealing with here. The rate should reflect actual cost.

So, this does not, in any way, because I'm from the Bangor Hydro area, reflect my feelings on the Bill. I also have a place, a small place, up in Caratunk, Maine. I paid the 10 months a year, when I don't use it, \$5.70 a month. I really don't like getting that bill for \$5.70 every month, when I'm not using any electricity, but if I go up there once to shovel snow off the roof, and I go down and turn the electricity on, because I want some light in the house, and put a fire in the house, and so on, I think to myself, let's assume I didn't have electricity hooked up, and I came up there one day, and I did want electricity. CMP would have to come in, drill a hole, put poles in, put wires in, put a meter in. That would be a lot more than \$57.00. So, essentially, the fact that I'm hooked up, even though I don't use any electricity, it's got to be worth something, and to me, when I think about it, it definitely is worth more than \$57.00, but, yet, I still, emotionally, resent being charged that \$5.70 a month.

That's what the basic issue is here. People are hooked up. There's capital investment. They are hooked up into utility lines, and they should be paying for that hook-up separate from the energy charge, separate from the energy charge.

I think, also, I recall the phone company, if you have an extra phone in your house, I think you pay an extra dollar or two every month with the extra phone in your house, even though you might only use one phone, so, you're paying for that capacity, you might say, of having that extra phone in your house, and that's essentially what you're paying for in the customer ser-

vice charge. Your paying, to the best estimate of the Public Utilities Commission, the actual cost of energy being available to you and being delivered to you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you Mr. President. I've listened to the debate this morning. In my opinion, what Senator Trotzky has been explaining to the members of the Senate is absolutely correct. I wish it were as easy as the Senator from Androscoggin and the Senator from York, Senator Hichens suggest. It depends on what we want. It's not a question of who wants the customer service charge. It's a fact that this Legislature, in the closing hours of our Session in 1977, passed the Electric Rate Reform Act. That's a fact, and it so happens that shortly after what, within a few months after that, Central Maine Power went in with their rate request, and it was at that time, as the Senator from Androscoggin correctly pointed out, that the Public Utilities Commission pursuant to the directive of the law that we passed with very little debate, Representative Davies was a sponsor of that measure in 1977. My recollection is that Senator Conley, of this Body, was a co-sponsor of that Bill. It just so happens that this statute mandates, and I quote, "It is the purpose of this chapter to require the Public Utilities Commission to relate electrical rates more closely to the cost of providing electric service."

That's what this Body said five years ago. Now, what's in the customer service charge? Meter reading and billing, maintenance of poles, meters, and lines, customer services, depreciation, taxes, and also the final item, return on investment in meters, poles, and lines.

Now, pursuant to this Legislation that we passed five years ago, the Public Utilities Commission required Central Maine Power to present very detailed information about the costs of all these things—meter reading and billing, maintenance of meters, lines and poles, etc., etc., on, and on, and on.

Using that detailed information, the Public Utilities Commission, again doing what we said it was required to do in 1977, established a customer service charge of \$5.70. Now, whether we like it or not, whether it's politically popular, or not, or whether it's politically acceptable, or whether we wish we could do something else, this law was passed in 1977. The commission did exactly what this Body and the other Body said it would do. It established a customer service charge. It held hearings. It came up with \$5.70. Now, the sponsors of this Bill are now asking us, ignore these facts. Ignore what the statutes says. Members of the Senate, it's not that easy.

I wish we didn't have the furor over the customer service charge, but we've got a law that we passed 5 years ago that said the Public Utilities Commission shall do certain things, and in response to our directive, the Public Utilities Commission did do that certain thing.

Now, I wish it were as easy as this sponsor and the proponent of this Majority Ought to Pass Report made it sound, but I submit to you, members of the Senate, it is not that easy. If we're going to do anything, maybe we ought to just scrap the Electric Rate Reform Act, but in checking the debate, what little there was of it in 1977, it was sold to us, and I put quotation marks around "sold", because of the provisions of the Federal Law, known as PURPA, and we were told in this state, that we had to have this Electric Rate Reform Act in order that the commission could qualify to receive certain funds from the Federal Government to help it design a better electric rate reform.

So we passed that statute so that we would qualify for these federal funds. Now, it's one of several cases where we pass the statute, rather

innocently, not realizing the consequences. Unfortunately, we're all stuck with it. If we want to be up front about it, why don't we propose that we repeal Title 35, Sections 91 through 96, inclusive, then we'd get rid of this problem. Then, we'd go back to making rates the way we used to before the Electric Rate Reform Act passed.

Let's not tinker with one section of that bill, when we have the very first section of that Bill that says you've got to be up front about it. You've got to design a rate that reflects the cost of service.

Thank you very much, Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: I'll be very brief. I'd just like to pointed out in one instance where I don't think this customer service charge is being applied equitably, at least by Central Maine Power.

If, as the good Senators from Penobscot pointed out, it's supposed to be based on billing, meter reading, poles and distribution, and so forth, in the case of high rise facilities for the elderly, where there might be 2 or 3 hundred units, there is one meter, one pole, one bill, and yet every unit in that building is assessed a customer service charge of \$5.70.

So that is the big windfall for the power company at the expense of the Federal Government or the taxpayer. I don't think it's fair, and I don't think it ought to continue, but that's what they're doing, at least in my City of Portland.

The PRESIDENT: The Chair understands the Senator from Penobscot, Senator Trotzky, requests leave of the Senate to speak a fourth time.

Is it the pleasure of the Senate to grant this leave?

The Senator may proceed.

Senator TROTZKY: Mr. President and Members of the Senate, I see that as a problem also, what was mentioned by Senator Najarian, but there's one thing she said which is not true. She said it's a windfall for the power company.

It's not a windfall for the power company. The power company makes some money that way, other people are paying less in their rates.

The thing is this is not a power company Bill for or against the power company. It has nothing to do whether you're for or against the power company. The power companies will be guaranteed by the PUC a total dollar amount in terms of profit, what they call, fair rate of return.

So if it doesn't come one way, it comes another way. So it's not a windfall for the power companies. I just wanted to correct that.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President and Men and Women of the Senate. In response to the remarks from the Senator from Penobscot, Senator Devoe, I think it's a serious misreading of what we call our mini-PURPA here in this state, to suggest that by asking for just and reasonable rates, were we asking in any way for a customer service charge to be implemented in this state.

I would, also, remind the good Senator that current day testimony is pending before the PUC contesting the basis on which that \$5.70 charge was established, and, in fact, when CMP was before the PUC in the 1978 rate case, and when asked what they felt their customer service charge might be, if one was to be instituted, it was considerably below the \$5.70 charge which was eventually judged to be implemented by the PUC.

No, things are not simple, but neither is it simple to say that a customers service charge is very equitable, that it indeed were such the true services to each and every customer of having electricity be available. Conservation is not a simple matter either, and I would suggest

to you this morning that this is the best solution to a very complex question, and I would urge you to support the Majority Ought to Pass Report. Mr. President, I would ask for the Yeas and Nays when the vote is taken.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the motion by the Senator from Penobscot, Senator Troitzky, that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of the Accepting the Minority Ought Not to Pass Report.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Collins, Devoe, Emerson, Gill, Huber, McBreairty, Perkins, Pierce, Redmond, Sewall, C. Shute, Sutton, Teague, Troitzky.

NAY—Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Hichens, Kerry, Minkowsky, Najarian, O'Leary, Pray, Trafton, Usher, Violette, Wood.

ABSENT—None.

A Roll Call was had.

15 Senators having voted in the affirmative and 17 in the negative, with No Senators being absent, the motion to Accept the Minority Ought Not to Pass Report does not prevail.

The Majority Ought to Pass, as amended, Report of the Committee, Accepted. The Bill Read Once. Committee Amendment "A" Read and Adopted. The Bill, as amended, Tomorrow Assigned for Second Reading.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House

RESOLVE, Authorizing the Transfer of Certain Lands in Webster Plantation to the Heirs of Horace White. (H. P. 1412) (L. D. 1574)

Which was Read a Second Time and Passed to be Engrossed, in concurrence.

Bill, "An Act to Incorporate the Cobscook Bay Tidal Power District." (H. P. 1467) (L. D. 1603)

Which was Read a Second Time.

On motion by Senator Pierce of Kennebec, Tabled until later in today's session, pending Passage to be Engrossed.

House — As Amended

Bill, "An Act Establishing the Bonding and Excess Insurance Requirements for Self-insuring Workers' Compensation Employers." (H. P. 834) (L. D. 1001)

Which was Read a Second Time.

On motion by Senator Collins of Knox, Tabled until later in today's session, pending Passage to be Engrossed.

Bill, "An Act to Establish a Consolidated Map of the State." (H. P. 1158) (L. D. 1379)

Which was Read a Second Time.

On motion by Senator Pray of Penobscot, Tabled until later in today's session, pending Passage to be Engrossed.

Bill, "An Act Concerning the Liability of Teachers and School Administrators Who Administer Medication to Children in Emergency Situations." (H. P. 1250) (L. D. 1474)

Bill, "An Act to Amend Special Education Statutes for Support of Special Education Programs and Services Provided in Excess of the Normal School Year." (H. P. 910) (L. D. 1076)

Bill, "An Act to Require the State to Pay its Share of School Funding on the First Day of Each Month." (H. P. 55) (L. D. 68)

Bill, "An Act Relating to Boarding Cost Payments and Transportation Accounts for Secondary School Pupils in Remote Units under the Education Laws." (H. P. 818) (L. D. 972)

Bill, "An Act Concerning Tuition Reimbursement to Private Schools." (H. P. 1002) (L. D. 1199)

Bill, "An Act to Establish an Energy Conservation Program for Commercial and Light Industrial Buildings." (H. P. 1180) (L. D. 1404)

Bill, "An Act to Establish Strict Penalties for Hazardous Waste Dumping and to Provide Specific Definitions of Hazardous Waste." (H. P. 1004) (L. D. 1238)

Bill, "An Act to Establish a Statewide Cancer-Incidence Registry." (H. P. 807) (L. D. 967)

Bill, "An Act to Improve the Nursing Home Ombudsman Program's Capacity to Respond to Nursing and Boarding Home Complaints." (H. P. 456) (L. D. 503)

Bill, "An Act Relating to the Lobster Advisory Council." (H. P. 1154) (L. D. 1375)

Which were Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Senate — As Amended

Bill, "An Act to Promote the Maine Potato Industry." (S. P. 517) (L. D. 1439)

Which was Read a Second Time.

On motion by Senator Collins of Knox, Tabled for 2 Legislative Days, pending Passage to be Engrossed.

Bill, "An Act to Clarify a Sentencing Disposition of Juvenile Offenders." (S. P. 93) (L. D. 209)

Bill, "An Act to Undedicate Funds Received from Public Reserved Lands." (S. P. 92) (L. D. 208)

Which were Read a Second Time and Passed to be Engrossed, as amended.

Sent down for concurrence.

There being no objections all items previously acted upon were sent forthwith.

On motion by Senator Pierce of Kennebec, Recessed until 4 o'clock this afternoon.

Recess

After Recess

The Senate called to order by the President.

Enactor

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

AN ACT to Amend an Existing Law Pertaining to Conversion of Seasonal Residences in Shoreland Areas. (H. P. 946) (L. D. 1122)

Which was Passed to be Enacted and having been signed by the President was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the first Tabled and specially assigned matter:

Bill, "An Act to Prohibit the Dissemination of Obscene Material." (S. P. 243) (L. D. 698)

Tabled—May 14, 1981 by Senator COLLINS of Knox.

Pending—Consideration.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: I now move that the Senate Recede and Concur with the House, and I would speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator HICHENS: Mr. President, Ladies and Gentlemen of the Senate: L. D. 698 "An Act to Prohibit the Dissemination of Obscene Material" was sponsored by me in answer to

the concerns of thousands of people of the State with the growing number of porno shops and obscene exhibitions throughout the State. The hearing before the Legal Affairs Committee attracted between 400-600 people and the chairman of the committee, Senator Shute, told the audience that the proposal would be the most controversial Bill we'll take up this session.

According to a news of the week report in last weeks Maine Times, L. D. 698 became the curse of the committee. The Times stated that the Bill was discussed in at least 4 work sessions before being reported out April 28 with a split report. This statement was erroneous. The Bill was not reported out April 28th, nor did I, as reported in the article, exercise the political muscle developed by 14 years in the Legislature in trying to persuade the committee to hold another work session May 6. In fact, I'm amazed that the Times credits me with having such political muscle. Sometimes I feel my muscle very weak in persuading fellow Legislators to go my way. The last work session was held because some lobbyists, not satisfied with a compromise amendment, attempted to slip their amendment through without most of the committee's knowledge.

After being amended into almost unrecognizable form, the committee version would have banned live or simulated sex shows and the exhibition of pornographic material within sight of a public way. This amendment according to the assistant attorney general who wrote up the amendment to LD 698 that I presented at the hearing is worthless and all of its provisions are covered by present prostitution laws.

The Times Report further states that the results of the final session caught everyone by surprise. I admit that I did not expect a majority report from my amended bill that had been further amended to exempt schools, libraries and museums, which was a concern expressed at the hearing and by several people who called you.

I certainly appreciate the long hours of work and consideration that the legal affairs spent on LD 698, and am sorry that two members of the committee were reportedly upset with the committee's final decisions.

The writer states "The Bill will undoubtedly be the target of some intense cloakroom lobbying before and after debate" I know that much lobbying was done by opponents to LD 698, with several lies being stated within my hearing, to convince legislators to vote against the bill, but I don't know of much lobbying on behalf of passage.

However, the last sentence in the report can become the classic statement of the year. The writer states "Hichens has said he does not plan to return to the legislature in 1983, and at least one person suggested that he intended to call in a lot of past due favors in return for support of his version of the bill, knowing that he won't be needing them in the future". I believe that everyone of you will agree that the reporter does not know Senator Hichens at all. For to my knowledge, I have never asked anyone to vote for support of my bills in return for favors done them. Furthermore, I wouldn't be at all surprised to see myself occupying this same seat in 1983, and if I am here I promise that you'll have opportunity to vote on another bill similar to LD 698.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate, I can honestly say that I believe the reason that this Bill has met its demise is, because of the fact that the Bill itself is obscene.

The PRESIDENT: The Senator from York, Senator Hichens has moved that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The motion prevailed.

The President laid before the Senate the

second Tabled and specially assigned matter:

SENATE REPORTS — from the Committee on Appropriations and Financial Affairs — Bill "An Act to Limit the Amount of State Expenditures which may be made from Undedicated Revenues without Voter Approval." (S. P. 377) (L. D. 1135) MAJORITY REPORT Ought to Pass as Amended by Committee Amendment "A" (S-227); MINORITY REPORT Ought to Pass as Amended by Committee Amendment "B" (S-228)

Tabled—May 14, 1981 by Senator COLLINS of Knox.

Pending—Acceptance of a Report.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President, I move Acceptance of the Majority Report, as amended, by Committee Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Huber, moves that the Senate Accept the Majority Ought to Pass, as amended, Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate: Just to briefly recap what this Bill's about. I think we debated it Friday before, voting to accept either report.

Report B retains Section 3 of the Bill which just says that the cost of any state mandated, the state shall not mandate any cost on the local governments, without providing for those costs, without providing finances, that it should not be picked up by the property tax. Now, that section of the Bill, everyone on the Committee is unanimously in agreement on. It's the other 2 sections of the bill where we parted company.

I just would, the best way to illustrate what I think is one of the problems with this Bill if it were to become Enacted is to base it on actual 1979, what the Legislature actually did in 79 and 80.

The Bill says that the Legislature would not be able to spend more than it spent in the last biennium, except for an increase in the Consumer Price Index or the increase in Maine personal income, whichever was less. So, in 1979, we appropriated \$432 million. The Consumer Price Index increased 13.3 percent, which was the lesser, which was less than the Maine personal income increase.

After we subtract out debt retirement from that amount, which is what the Bill required us to do, we would only have been able to appropriate \$505 million, which would have meant, \$490 million, which would have meant we were 19 million exceeding this expenditure limit.

Some of those items that we would have either had to declare an emergency for or sent out to referendum, would have included things like Childrens Mental Health Services 1.6 million, or Increased Aid to Local Schools 5.7 million, Home Heating Crisis Aid 1.9 million, Pineland Consent Decree \$600,000 or Collective Bargaining 14 million.

If we had not declared an emergency for those items and instead sent them out to referendums for approval, they would not have been included in next years, in the next bienniums base, and we would continue to fall farther and farther behind. So, I do think, as I said the other day, it does not give the Legislature enough flexibility to adapt to different economic pressures that exert, that are exerted on our State Budget from, both outside the state and within the state, and I think we would be exceedingly sorry if we ever passed a measure such as this.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President, Members of the Senate: the good Senator from Cumberland, Senator Najarian, points out that this limitation, had it been in effect, would have effected 19 million other expenditures that the Legislature did, in fact, make without any approval of the people.

This 19 million is part of a 23.6 million that the Legislature tucked in the surplus coming into this biennium and spent on on going programs. I realize that this was addressed by another Bill of mine, which has failed. I think we'll regret our expenditure of this amount, by spending this surplus, because these programs still exist, still exist for the full biennium that we're facing, and I think this expenditure without, perhaps, more careful scrutiny, is a major contributor to problems we're going to have before we get out of here.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: When the vote is taken, I request it be taken by the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Huber, that the Senate Accept the Majority Ought to Pass, as amended, by the Committee Amendment "A" Report of the Committee.

A Yes vote will be in favor of Accepting the Majority Ought to Pass as amended by the Committee.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreaity, Perkins, Pierce, Redmond, Sewall, C ; Shute, Sutton, Teague, Trozky.

NAY — Brown, Bustin, Charette, Clark, Conley, Dutremble, Kerry, Minkowsky, Najarian, Pray, Trafton, Usher, Violette, Wood.

ABSENT — Ault, Carpenter, O'Leary.

A Roll Call was had.

15 Senators having voted in the affirmative and 14 Senators in the negative, with 3 Senators being absent, the motion to Accept the Majority Ought to Pass as amended, by Committee Amendment "A" Report of the Committee, does prevail.

The Bill Read Once. Committee Amendment "A" Read and Adopted. The Bill, as amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate the third Tabled and specially assigned matter:

Bill, "An Act to Further Competition with New Hampshire in the Liquor Trade." (H. P. 382) (L. D. 425)

Tabled—May 15, 1981 by Senator CONLEY of Cumberland.

Pending—Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, we did have some problems with this Bill after it came out of committee. We found that rather than this coming out as a Work Study Order, it was going to be written into statutes, and that's not, probably, the smoothest way to write Legislation of this type.

So, the Committee did meet this morning and pretty much agreed that this bill should be killed and a study order by written at a later date. I move Indefinite Postponement of the Bill.

On motion by Senator Shute of Waldo, L. D. 425 Indefinitely Postponed, in non-concurrence. Sent down for concurrence.

The President laid before the Senate the fourth Tabled and specially assigned matter:

Bill, "An Act to Make Allocations from the

Highway Fund and Appropriations from the General Fund for the Fiscal Years Ending June 30, 1982, and June 30, 1983, and to Establish a Local Road Assistance Program." (Emergency) (S. P. 609) (L. D. 1607)

Tabled—May 15, 1981 by Senator PIERCE of Kennebec.

Pending—Passage to be Engrossed.

On motion by Senator Collins of Knox, Retabled for 2 Legislative Days.

The President laid before the Senate the fifth Tabled and specially assigned matter:

Bill, "An Act to Provide Cost-of-Living Adjustments to Retired State Employees, Teachers and Beneficiaries." (S. P. 385) (L. D. 1143)

Tabled—May 15, 1981, by Senator PIERCE of Kennebec.

Pending—Passage to be Engrossed.

Which was Passed to be Engrossed, as amended.

Sent down for concurrence.

The President laid before the Senate the sixth Tabled and specially assigned matter:

Bill, "An Act to Facilitate the Leasing of Existing Subsidized Housing Units." (H. P. 809) (L. D. 970)

Tabled—May 15, 1981 by Senator PERKINS of Hancock.

Pending—Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, I submit Senate Amendment "B" to L. D. 970 under filing number S-246 and move its adoption.

The PRESIDENT: The Senator from Hancock, Senator Perkins, offers Senate Amendment "B" to L. D. 970 and moves its adoption.

Senate Amendment "B" (S-246) Read and Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Enactors

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

AN ACT to Provide for Reimbursement under the Education Finance Act for Programs for Gifted and Talented Children. (S. P. 223) (L. D. 610)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT to Improve the Community Industrial Building Program. (S. P. 401) (L. D. 1193)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT to Authorize the Department of Environmental Protection to Provide Technical Assistance to Municipalities and other Quasi-municipal Entities Regarding Solid Waste Management. (S. P. 475) (L. D. 1358)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT Concerning the Taking of Wood without Permission of the Owner. (H. P. 144) (L. D. 170)

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Enactment.

AN ACT to Reorganize the Department of Business Regulation to Insure the Independence of Regulators. (S. P. 222) (L. D. 609)

AN ACT to Clarify the Laws Pertaining to Municipal Personnel Records. (H. P. 1092) (L. D. 1289)

AN ACT to Allow the Board of Environmental Protection to Authorize the Pay for Oil Spill Damage Studies. (H. P. 995) (L. D. 1183)

AN ACT for the Assessment of Watercraft. (H. P. 1100) (L. D. 1297)

AN ACT to Require Immediate Public Notification of Radioactive Releases and Other Safety Related Events at Nuclear Power Plants. (H. P. 1181) (L. D. 1405)

AN ACT to Amend the Probate Laws. (H. P. 1232) (L. D. 1457)

AN ACT to Promote Tourism by Providing Directional Signs for Publicity Bureau Offices. (S. P. 352) (L. D. 995)

AN ACT Making Certain Changes in the Law on Boilers and Pressure Vessels. (H. P. 1447) (L. D. 1588)

AN ACT Concerning Insurance Proceeds under the Maine Insurance Code. (H. P. 1266) (L. D. 1481)

AN ACT to Regulate Motorized Bicycles. (H. P. 906) (L. D. 1073)

AN ACT Concerning Land Conveyed by the State to the Town of Bridgton. (H. P. 887) (L. D. 1056)

AN ACT to Regulate Entrance Fees Charged by Mobile Home Parks. (H. P. 779) (L. D. 924)

AN ACT to Reduce the Bonding Authority of the Maine Guarantee Authority. (H. P. 756) (L. D. 893)

AN ACT to Amend the Municipal Securities Approval Act. (H. P. 711) (L. D. 836)

AN ACT to Encourage Solar Easements. (H. P. 775) (L. D. 920)

AN ACT to Provide for an Offset for Holiday Pay under the Employment Security Law. (H. P. 879) (L. D. 1048)

AN ACT to Amend the Campaign Reporting Law. (H. P. 974) (L. D. 1162)

AN ACT to Clarify the Statutory Provisions for the Registration of Motor Vehicles in Maine. (H. P. 1214) (L. D. 1382)

AN ACT to Allow Out-of-State Credit for Teachers Entering the Retirement System on or After January 1, 1976. (H. P. 1385) (L. D. 1562)

AN ACT to Amend the Municipal Securities Approval Act. (H. P. 371) (L. D. 409)

AN ACT Concerning Energy Efficiency in Buildings Financed with Public Funds. (S. P. 480) (L. D. 1363)

AN ACT to Forbid Payments for Signing or Distributing State Referendum Petitions or Absentee Ballots. (S. P. 198) (L. D. 566)

AN ACT to Permit the Opportunity for Continuing Health Insurance. (S. P. 477) (L. D. 1360)

Which were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

AN ACT to Provide Greater Local Control over Liquor Licensings. (H. P. 1452) (L. D. 1592)

On motion by Senator Violette of Aroostook, Tabled for 1 Legislative Day, pending Enactment.

AN ACT to Provide for Notification of Employees When a Business Plant Leaves the State. (H. P. 322) (L. D. 351)

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I noted in the Sunday papers 2 articles which listed, among others, Bills in this Legislature that were detrimental to business.

I'm not sure whether this is one of the ones that was intended to be referred to or not, but I looked at the enactor version of this Bill, and found that if a plant wants to relocate out of state, it has to give a 60 day notice or it is subject to a \$500 fine.

I have considerable doubt about how that fits in under the Commerce Clause of the United States Constitution, and I am curious whether that was considered. I'm also curious as to what the answer would be of the Committee to the accusation that this is the kind of thing that promotes a bad business climate and lowers your rating in the national sweepstakes of best

business climate, and that sort of thing. I don't necessarily oppose the general idea that it's good to know in advance, but I'd appreciate knowing more about the committee's views on this.

The PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you, Mr. President, Members of the Senate: This is the compromise Bill on notification, and as the law reads now, we have a 60 day notice provision given to the Department of Labor. This Bill simply says that the 60 day notice must go to the employees, and to the municipality.

All members of the Committee felt this was fair. The other new section was now if someone was in violation there was no penalty, and we did add a penalty.

Where the 60 days has already been in the law, I don't think that that is a problem with the Commerce Clause. If it's the penalty provisions that the Senator's referring to I wish he would tell me. Thank You.

Which was Passed to be Enacted, and having been signed by the President was by the Secretary presented to the Governor for his approval.

AN ACT to Amend the Maine Unfair Trade Practices' Laws. (H. P. 707) (L. D. 832)

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President, I move the pending question.

The PRESIDENT: The pending question is Enactment.

Which was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

AN ACT to Increase the Bonding Limit on Maine State Housing Authority Bonds Secured by the Housing Reserve Fund. (S. P. 418) (L. D. 1241)

On motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending Enactment.

Emergency

AN ACT to Simplify the Requirements for the Granting of Permission to Additional Institutions to Use Established Satellite Facilities. (H. P. 998) (L. D. 1221)

Emergency

AN ACT Concerning Secondary Vocational Education. (H. P. 1454) (L. D. 1593)

Emergency

AN ACT Clarifying the Authority of the Caribou Utilities District to Acquire the Caribou Water Works Corporation. (H. P. 1451) (L. D. 1591)

Emergency

AN ACT to Amend the Short Form Deeds Act. (S. P. 599) (L. D. 1595)

These being emergency measures and having received the affirmative votes of 27 Members of the Senate, with No Senators having voted in the negative, were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1981. (H. P. 1358) (L. D. 1540)

This being an emergency measure and having received the affirmative votes of 25 Members of the Senate, with 1 Senator voting in the negative, was Finally Passed, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the follow-

ing:

Committee Reports House Leave to Withdraw

The Committee on Transportation on, Bill, "An Act to Establish a Fee for the Purchase of New Number Plates." (H. P. 337) (L. D. 376)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Acceptance of the Committee Report.

The Committee on Public Utilities on, Bill, "An Act to Partially Deregulate Water Districts from Regulation by the Public Utilities Commission." (H. P. 754) (L. D. 891)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Prohibit State Mandates and Tax Shifts." (H. P. 1115) (L. D. 1366)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Ought to Pass — As Amended

The Committee on Education on, Bill, "An Act Authorizing Reasonable Fees for Nonresident Users of Public Libraries." (H. P. 548) (L. D. 624)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-415).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Report was Read.

On motion by Senator Pierce of Kennebec, Tabled until later in today's session, pending Acceptance of the Committee Report.

The Committee on State Government on, Bill, "An Act Relating to the Maine Sardine Council." (H. P. 1192) (L. D. 1416)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-408).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Fisheries and Wildlife on, Bill, "An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1982 and June 30, 1983." (H. P. 317) (L. D. 383)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-414).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read and Accepted, in concurrence. The Bills Read Once. Committee Amendments "A" Read and Adopted, in concurrence, the Bills, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Local and County Government on, Bill, "An Act to Abolish the Position of County Treasurer in York County and Create a Finance Officer." (H. P. 780) (L. D. 925)

Reported that the same Ought to Pass in New Draft under New Title, "An Act to Permit the Abolition of the Position of Elected County Treasurer and Allow the Appointment of a Treasurer by the County Officers." (H. P. 1488) (L. D. 1615)

Comes from the House, the Bill, in New

Draft, Passed to be Engrossed.

The Committee on Local and County Government on, Bill, "An Act to Require that County Employees be Hired by Merit." (H. P. 1323) (L. D. 1523)

Reported that the same Ought to Pass in New Draft under New Title, "An Act to Require the County Commissioners to Oversee the Hiring and Dismissal of County Employees." (H. P. 1487) (L. D. 1614)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

Which Reports were Read and Accepted, in concurrence. The Bill, in New Draft Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Provide Occupational Safeguards for Operators of Video Display Terminals." (H. P. 880) (L. D. 1049)

Reported that the same Ought to Pass in New Draft under same Title (H. P. 1482) (L. D. 1612)

Signed:

Senator:

DUTREMBLE of York

Representatives:

BEAULIEU of Portland

BAKER of Portland

HAYDEN of Durham

McHENRY of Madawaska

MARTIN of Brunswick

LAVERRIERE of Biddeford

(Representative TUTTLE of Sanford Abstained)

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Senators:

SEWALL of Lincoln

SUTTON of Oxford

Representatives:

LEWIS of Auburn

FOSTER of Ellsworth

Comes from the House, Bill and Accompanying Papers, Indefinitely Postponed.

Which Reports were Read.

On motion by Senator Sewall of Lincoln, the Minority Ought Not to Pass Report of the Committee Accepted.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Papers from the House Non-concurrent Matter

Bill, "An Act to Bring Noncarbonated Beverages such as Fruit Punch and Iced Tea into Compliance with Maine's Beverage Container Law." (S. P. 367) (L. D. 1086)

In the Senate May 15, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (S-222).

Comes from the House, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, I move we Adhere.

The PRESIDENT: The Senator from Oxford, Senator Sutton, moves that the Senate Adhere. Is this the pleasure of the Senate?

The motion prevailed.

Non-concurrent Matter

Bill, "An Act Relating to Referendum Campaign Reports and Finances." (H. P. 959) (L. D. 1150)

In the House May 14, 1981, Passed to be Engrossed.

In the Senate May 15, 1981, the Majority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Adhered.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I move the Senate Adhere.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that the Senate Adhere.

Is this the pleasure of the Senate?

The motion prevailed.

Joint Orders

Expressions of Legislative Sentiment recognizing:

Patrolman Edward Gallant of the Bangor Police Department for 20 years of dedicated service to the City of Bangor. (H. P. 1491)

The Honorable Forrest and Madge Nelson, of New Sweden, who will celebrate their golden wedding anniversary on May 16, 1981. (H. P. 1489)

Ka-Rim Troyli of Bangor, who won 2nd place for girls in the Spear Speaking Contest held April 7, 1981, at the University of Maine at Augusta. (H. P. 1490)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Joint Resolution

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Richard Saltonstall of Belfast, former White House correspondent and owner of the Republican Journal, Bar Harbor Times and Camden Herald. (H. P. 1485)

Comes from the House, Read and Adopted. Which was Read and Adopted, in concurrence.

(Off Record Remarks)

Senate Papers Joint Resolution

Senator CARPENTER of Aroostook (Cosponsors: Senator CONLEY of Cumberland, Representative MARTIN of Eagle Lake and Representative PARADIS of Augusta) present the following Joint Resolution and move its Adoption:

STATE OF MAINE

IN THE YEAR OF OUR LORD
ONE THOUSAND NINE HUNDRED
AND EIGHTY-ONE

JOINT RESOLUTION EXPRESSING HOPE FOR THE RECOVERY OF POPE JOHN PAUL II

WHEREAS, on May 13, 1981, Pope John Paul II was shot and wounded by a fugitive terrorist while the Holy Father was holding his weekly audience in St. Peter's Square; and

WHEREAS, Pope John Paul II, during his reign, has won the hearts of millions of people throughout the world and has stood as an outstanding advocate for human rights and dignity and an opponent of the use of violence anywhere; and

WHEREAS, the entire world is saddened and shocked by this act of violence against a man of peace; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the Maine Legislature in First Regular Session now assembled, wish to add our hope and prayers to those of people throughout the world for the speedy recovery and good health of Pope John Paul II; and be it further

RESOLVED: That this official expression of sentiment be sent forthwith on behalf of the Legislature and the People of the State of Maine. (S. P. 613)

Which was Read and Adopted.

Sent down for concurrence.

Committee Reports Senate

Ought to Pass—As Amended

Senator CLARK for the Committee on Education on, Bill, "An Act Relating to State Participation in Local Leeway under the School Finance Act." (Emergency) (S. P. 265) (L. D. 747)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-251).

Senator McBREAIRTY for the Committee on Energy and Natural Resources on, Bill, "An Act to Require Public Hearings Prior to Proposing Exchanges of Public Reserved Lands." (S. P. 455) (L. D. 1301)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-250).

Which Reports were Read and Accepted. The Bills Read Once. Committee Amendments "A" Read and Adopted. The Bills, as amended, Tomorrow Assigned for Second Reading.

Senator O'LEARY for the Committee on Energy and Natural Resources on, Bill, "An Act to Protect Public and Private Property from Ice Jams." (S. P. 479) (L. D. 1362)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-249).

Which Report was Read and Accepted. The Bill Read Once. Committee Amendment "A" Read.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate, I just looked this little item over. I wish that anybody on the Energy and Natural Resources Committee could tell us what we're accepting at this time, dealing with ice jams and how we're going to protect the public and private properties?

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed question through the Chair to any member of the Energy and Natural Resources Committee who may care to answer.

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator McBREAIRTY: Mr. President and Honorable Members of the Senate, if my memory is correct, it will allow them to blow the jam, blow the ice jam after proper notification of everybody concerned.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate, if I heard the good gentleman from Aroostook correct, this would allow somebody to use explosives to free up ice jams. I would take it, probably along the rivers. As I look at it, it deals with municipalities. I would take it that we're talking about ice jams within a municipal boundary, and not necessarily those that may be above or below a municipal boundary, or those that conflict between existing municipal boundaries. I don't know anything about who has to, if there's a licensing requirement for the use of explosives in this State or not, but if the good gentleman could continue on a little bit better in his explanation, I have a little concern about this little jewel going through. I'd like to have a little bit more specific information on this.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: This places the removal of ice jams that are causing concern to the municipal authorities or any authority, any place in the State. As it is now, there are certain winters, and certain floods in the winter that cause ice jams, that cause a lot of damage to people's property. There's no one who can be authorized to take care of it. There's no way, no one, has the authority to take care of them.

This Bill would transfer the authority upon request from the municipal authorities to the Civil Emergency Preparedness, or Civil Defense. They have the competence, and they

take care of it.

Committee Amendment "A" Adopted. The Bill, as amended, Tomorrow Assigned for Second Reading.

Senator REDMOND for the Committee on Energy and Natural Resources on, Bill, "An Act to Amend the Law Relating to the Public Reserved Lands." (S. P. 412) (L. D. 1216)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-248).

Senator McBREAIRTY for the Committee on Energy and Natural Resources on, Bill, "An Act to Enable the State of Maine to Fund Waste Water Treatment Systems in the Event Federal Funds are not Included or Limited in Future Federal Budgets." (S. P. 573) (L. D. 1542)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-247).

Which Reports were Read and Accepted. The Bills Read Once. Committee Amendments "A" Read and Adopted. The Bills, as amended, Tomorrow Assigned for Second Reading.

Orders of the Day

The President laid before the Senate: Bill, "An Act Relating to the Public Utilities Commission Officials' and Employees' Compensation." (H. P. 577) (L. D. 657)

Tabled — Earlier in the Day by Senator COLLINS of Knox

Pending — Consideration.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I move the Senate Insist and Ask for a Committee of Conference.

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Insist and Ask for a Committee of Conference with the House.

Is this the pleasure of the Senate?

The motion prevailed.

The President laid before the Senate: Bill, "An Act to Incorporate the Cobscook Bay Tidal Power District." (H. P. 1467) (L. D. 1603)

Tabled — Earlier in the Day by Senator PIERCE of Kennebec.

Pending — Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: Mr. President, I present Senate Amendment "A" with a filing number of S-242 to L. D. 1603.

The PRESIDENT: The Senator from Somerset, Senator Teague, offers Senate Amendment "A" to LD 1603 and moves its adoption. Senate Amendment "A" (S-242) Read and Adopted.

The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

The President laid before the Senate: Bill, "An Act Establishing the Bonding and Excess Insurance Requirements for Self-insuring Workers' Compensation Employers." (H. P. 834) (L. D. 1001)

Tabled — Earlier in the Day by Senator COLLINS of Knox.

Pending — Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you, Mr. President, I move we Reconsider whereby we Adopted Committee Amendment "A".

The PRESIDENT: The Senator from Lincoln, Senator Sewall, moves that the Senate Reconsider its action whereby it Adopted Committee Amendment "A".

Is this the pleasure of the Senate?

On motion by Senator Pierce of Kennebec, Tabled for 2 Legislative Days pending the motion by the Senator from Lincoln, Senator Sewall.

The President laid before the Senate: Bill, "An Act to Establish a Consolidated Map of the State." (H. P. 1158) (L. D. 1379)

Tabled — Earlier in the Day by Senator PRAY of Penobscot.

Pending — Passage to be Engrossed.

On motion by Senator Pray of Penobscot, Retabled for 1 Legislative Day.

The President laid before the Senate: Bill, "An Act Authorizing Reasonable Fees for Non-resident Users of Public Libraries." (H. P. 548) (L. D. 624), Tabled earlier in the day by Senator Pierce of Kennebec, pending Acceptance of the Committee Report.

On motion by Senator Pierce of Kennebec, Retabled for 1 Legislative Day.

(Senate at Ease)

The Senate called to order by the President.

Senator Perkins of Hancock was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Pierce of Kennebec, Adjourned until 9:30 o'clock tomorrow morning.