

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 20, 1981
Senate called to order by the President.

Prayer by the Reverend Howell K. Lind of the Winthrop Street Universalist Church in Augusta.

REVEREND LIND: We pause at the beginning of these proceedings to invoke the blessings of life upon these Men and Women of the Senate. Grant to them the awareness, the insight, into the task before them. With compassion, openness, and foresight, let them conduct the business of this Session. May they listen to the discussions with an open mind, making their decisions in good and clear conscience. May their actions and words ever mirror a conviction in the goodness of the people they serve and represent. May the work of this legislative day be acceptable in Thy sight, we pray. Amen.

Reading of the Journal of yesterday.

**Papers From the House
Non-concurrent Matter**

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

In the House, May 14, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (H-373).

In the Senate, May 19, 1981, the Bill and Papers Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body Having Insisted and Asked for a Committee of Conference.

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

Senator CONLEY: I move the Senate Adhere.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate Adhere.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, I would ask for a Division on that particular motion to Adhere.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Conley, that the Senate Adhere, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

18 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion to Adhere does prevail.

(See Action Later Today)

(Senate at Ease)

The Senate called to order by the President.

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

**Paper From the House
House Paper**

Bill, "An Act to Create an Excise Tax on Mining Companies and to Amend the Statutes on Mining on State Lands." (H.P. 1496) (L.D. 1621)

Comes from the House, referred to the Committee on Taxation and Ordered Printed.

Which was referred to the Committee on Taxation and Ordered Printed, in concurrence. Sent forthwith.

**Communications
House of Representatives**

May 19, 1981

Honorable May M. Ross
Secretary of the Senate

110th Legislature
Augusta, Maine
Dear Madam Secretary:

The House voted today to Adhere to its former action on Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law" (Emergency) (H.P. 1411) (L.D. 1576)

Respectfully,
S/EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

House of Representatives

May 19, 1981

Honorable May M. Ross
Secretary of the Senate
110th Legislature
Augusta, Maine
Dear Madam Secretary:

The House voted today to Adhere to its former action whereby it Indefinitely Postponed Bill "An Act to Make Funding of the 'Local Government Fund' Part of the Appropriations Process" (S.P. 90) (L.D. 206)

Respectfully,
S/EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

**Committee Reports
House**

Ought to Pass in New Draft

The Committee on Aging, Retirement and Veterans on, Bill, "An Act Relating to Retirement for Justices and Judges." (H.P. 942) (L.D. 1118)

Reported that the same Ought to Pass in New Draft under Same Title (H.P. 1497) (L.D. 1617)

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.

The Committee on Agriculture on, Bill, "An Act to Improve the Quality of Packing and Marketing Maine Potatoes." (H.P. 994) (L.D. 1182)

Reported that the same Ought to Pass in New Draft under New Title: "AN ACT to Promote the Maine Potato Industry by Improving the Quality of Packing and Marketing Maine Potatoes" (H.P. 1486) (L.D. 1613)

Comes from the House, the Bill, in New Draft Passed to be Engrossed as amended by House Amendments "B" (H-423) and "C" (H-430).

Which Report was Read and Accepted, in concurrence, and the Bill, in New Draft, Read Once. House Amendment "B" was Read and Adopted, in concurrence. House Amendment "C" was Read and Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act to Revise the Law Concerning Absentee Voting." (H.P. 373) (L.D. 411)

Reported that the same Ought Not to Pass. Signed:

Senator:

PRAY of Penobscot

Representatives:

CAHILL of Woolwich
ROBERTS of Buxton
HANSON of Kennebunkport
BORDEAUX of Mount Desert
WENTWORTH of Wells
BOISVERT of Lewiston
WEYMOUTH of West Gardiner

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under Same Title.

(H.P. 1506) (L.D. 1619)

Signed:

Senators:

PIERCE of Kennebec
CARPENTER of Aroostook

Representatives:

BENOIT of South Portland
DIAMOND of Bangor

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

Which Reports were Read.

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

Senator PIERCE: Mr. President, I would move that we Accept the Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that the Senate Accept the Ought to Pass, in New Draft, Report of the Committee.

On motion by Senator Collins of Knox, Tabled until later in today's session, pending the motion by the Senator from Kennebec, Senator Pierce.

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

Senator Pray of Penobscot 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 Senate called to order by the President.

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act Concerning Drug Abuse by Registered Pharmacists." (H.P. 1117) (L.D. 1334)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-422).

Signed:

Senators:

SEWALL of Lincoln
SUTTON of Oxford
CLARK of Cumberland

Representatives:

RACINE of Biddeford
JACKSON of Yarmouth
POULIOT of Lewiston
PERKINS of Brooksville
TELOW of Lewiston
GAVETT of Orono

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

Signed:

Representatives:

BRANNIGAN of Portland
GWADOSKY of Fairfield
FITZGERALD of Waterville
MARTIN of Van Buren

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

Which Reports were Read.

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

**Senate
Divided Report**

The Majority of the Committee on Health and Institutional Services on Bill, "An Act to License Home Health Agencies." (S.P. 399) (L.D. 1192)

Reported that the same Ought to Pass in New Draft under New Title, Bill, "An Act to License Community and Home Health Agencies." (S.P. 618) (L.D. 1624)

Signed:

Senators:

GILL of Cumberland
BUSTIN of Kennebec

Representatives:

PRESCOTT of Hampden
BRODEUR of Auburn
KETOVER of Portland
MANNING of Portland
RICHARD of Madison
MacBRIDE of Presque Isle
BOYCE of Auburn
HOLLOWAY of Edgecomb
RANDALL of East Machias

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

Signed:

Senator:

HICHENS of York

Representative:

McCOLLISTER of Canton

Which Reports were Read.

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

Senator GILL: Mr. President, I'd like to move the Ought to Pass Report.

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

Senator GILL: I'd like to speak to my motion, if I may.

The PRESIDENT: The Senator has the floor.

Senator GILL: A lot of you people have been probably contacted by various people in your communities about the original draft on this bill, which was 1192. I'd like to inform you that the Committee has worked, put a lot of time and effort, and dealt with a lot of the agencies, a lot of the individuals who would be involved.

Since the thrust of the Health and Institutional Services Committee this Session is towards alternative type care, that care that will be provided in people's homes, outside of the nursing home setting, outside of the boarding home setting, we felt that we would like to have standards set up for safe, efficient, and effective home health care.

In order to do this, we have set up an advisory board along with other people working with the Department to set up some standards. I just wanted to let you know that these standards will be brought back before the Health and Institutional Committee before they're implemented.

If the intent is not what the Health and Institutional Committee had determined, then these standards will not take place, or they will not go through.

The advisory committee that we have set up is sunsetted, so we're not putting another advisory committee in motion forever and a day. What we're trying to do is come up with some good standards to provide the safe, efficient, and effective home health care within people's homes.

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

Senator BUSTIN: Thank you, Mr. President. Mr. President and Members of the Senate, I just want to concur with the good chairman of my Committee, the Senator from Cumberland, Senator Gill, and let you know how far I've come on this Bill.

When the hearing was held on the Bill, I was totally against it, adamantly opposed, because what I saw was a segment of the health care community, namely the home health agencies, grandfathering themselves out of having to get the license in the first place.

We have come full cycle. The Committee has worked very, very hard on this Bill. I think that it's a very good Bill, mainly it's because we li-

censed every other segment of the continuous health care. Now that we're thinking of a new segment of that continuum, i.e. the Home Based Care, which is a new concept that's being pushed all over the nation, then we ought to be licensing that, too. I think that the way that this Bill has been written by the Committee is a very good way. I urge your support.

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

Senator SUTTON: Mr. President, thank you, just a question, a philosophical question to the Chairman, or whoever, of the Health and Institutional Services. I see what's happened to babysitters, as we try to move away from professional institutions to home institutions. My only concern is, is the next step going to be the licensing of the home, and the rules and regulations for every home owner that is going to do the right thing by bringing some of their folks back home. I would like to have someone tell us for the Record just what's going to happen. Are we going to be faced with the same things that happened to babysitters?

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

Senator GILL: To respond to the good Senator from Oxford, Senator Sutton, there was no intent at all, absolutely no intent, to do anything about licensing homes. All we're trying to do is to assure that people who can be maintained in their own home, will be maintained there, and not require nursing home or boarding home care.

In order to do this, we would like to see that those people who are providing that care, are qualified, and are providing that necessary care in the homes. There was no attempt to do anything with the home itself. Those are private places. We are not going into those places at all, other than providing the care necessary to those individuals who live at home.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: I just wanted to take this opportunity to answer the good Senator, Senator Sutton, and explain to him that I have never set myself up to be God, and I really can't answer his question, because I don't know what's going to come down the road. We ought to be looking at the fact that there has been, news reports, have given numerous instances all through our history of abuses of the elderly. All we're really saying is that we want some kind of control over the people that are going to be the care-givers.

When you keep them in their home, they're more removed from observation of the public. We ought to be licensing those people who are going into those homes.

The other major fact is that the government will be paying that bill through the Medicare/Medicaid, when you pay that bill, you ought to have the right to monitor it.

On motion by Senator Gill of Cumberland, the Majority Ought to Pass, in New Draft, Report of the Committee, Accepted. The Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

(Off Record Remarks)

Divided Report

Six Members of the Committee on Labor on, Bill, "An Act to Establish a Direct Payment System under the Workers' Compensation Law." (S.P. 218) (L.D. 605)

Reported in Report "A" that the same Ought to Pass in New Draft under Same Title. (S.P. 621) (L.D. 1626)

Signed:

Senator:

DUTREMBLE of York

Representatives:

HAYDEN of Durham
TUTTLE of Sanford

BAKER of Portland
LAVERRIERE of Biddeford
MARTIN of Brunswick

Four Members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass in New Draft under Same Title. (S.P. 622) (L.D. 1627)

Signed:

Senators:

SEWALL of Lincoln
SUTTON of Oxford

Representatives:

LEWIS of Auburn
DAMREN of Belgrade

One Member of the same Committee on the same subject matter reported in Report "C" that the same Ought Not to Pass.

Signed:

Representative:

BEAULIEU of Portland

Which Reports were Read.

On motion by Senator Collins of Knox, Tabled until later in today's session, pending Acceptance of a Committee Report.

Divided Report

Six Members of the Committee on Labor on, Bill, "An Act to Stabilize the Maximum Weekly Benefits under the Workers' Compensation Act." (S.P. 225) (L.D. 613)

Reported in Report "A" that the same Ought Not to Pass.

Signed:

Senator:

DUTREMBLE of York

Representatives:

BEAULIEU of Portland
McHENRY of Madawaska
LAVERRIERE of Biddeford
BAKER of Portland
MARTIN of Brunswick

Six Members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass.

Signed:

Senators:

SEWALL of Lincoln
SUTTON of Oxford

Representatives:

LEWIS of Auburn
DAMREN of Belgrade
TUTTLE of Sanford
FOSTER of Ellsworth

Which Reports were Read.

On motion by Senator Collins of Knox, Tabled until later in today's session, pending Acceptance of Either Committee Report.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Protect Persons with Children against Discrimination in Fair Housing." (S.P. 530) (L.D. 1470)

Reported that the same Ought Not to Pass.

Signed:

Senator:

DEVOE of Penobscot

Representatives:

DRINKWATER of Belfast
REEVES of Newport
O'ROURKE of Camden
LUND of Augusta
LIVESAY of Brunswick
CARRIER of Westbrook

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. 620) (L.D. 1625)

Signed:

Senators:

CONLEY of Cumberland
KERRY of York

Representatives:

HOBBINS of Saco
BENOIT of South Portland
JOYCE of Portland
SOULE of Westport

Which Reports were Read.

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

Senator CONLEY: Mr. President, I move we Accept the Minority Ought to Pass Report.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate Accept the Minority Ought to Pass, in New Draft, Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate, I ask you to oppose the motion of the Senator from Cumberland to Accept the Minority Ought to Pass Report. I ask you to take a minute to look at LD 1625, because we're asked to amend the statutes concerning the Human Rights Commission, excuse me, we're asked to put a section into the landlord/tenant section of the statutes. We were faced with a proposal to amend the Human Rights Act. The Minority on the Committee decided tactically this would be a better way to go.

There are some, what I consider, provisions in here, there are some exemptions. My feeling is, if you're going to have a law, you ought to have a law that applies to all people who are landlords. There are two giant loopholes in the Minority Report.

One loophole is that the law specifically does not apply to a structure that contains no more than five dwelling units, one of which is occupied by the landlord. You're saying that if a landlord occupies an apartment in a multi-apartment unit dwelling that he lives in, it's all right that there be child discrimination in the renting of apartments that are in there.

Then there's another provision that, if in the five dwelling unit or less structure, there is a professional office or a business, it's okay to discriminate against children there.

Finally, it goes on to say that if there is federal law governing dwelling units, authorized, approved, financed subsidized in whole or in part, then the law doesn't apply to that.

Finally, as a sop to the elderly people, it says, if there's a multi-unit structure, all units of which are occupied, or reserved for tenant households with at least one resident over the age of 62, it's all right to discriminate.

I ask you, it's the same way with this Bill we're got here on electric rates, that's coming up a little later on in the Table. That Bill is intended to apply only to utilities that have 20,000 or more customers. It's all right that there be a service charge for utilities that have less than 20,000. We've got to say, as a matter of public policy in this State, that you can carve out these exceptions.

I ask you to look at Section 2 of the Bill, where it deals with publicity, what you may or may not put in a notice that you put in the newspaper. Any such listing, announcements, or advertisement is prima facie evidence of a violation of this Section.

Look at Section 1, Section 6024. Landlord may refuse to rent a dwelling unit to a family if the size of the family with children would exceed the number permitted by local zoning or other municipal ordinance, or reasonable standards of human health, safety, or sanitation.

What are reasonable standards of human health, safety, or sanitation? Will somebody who is a proponent of the Minority Report on this Bill, please address that issue for us, because it's a reasonable question.

What are you going to do if a municipality enacts a very restrictive ordinance that says you may not have an apartment unit rented to a family with more than three children? Lots of families have more than three children. Are they going to be, therefore, distributed? At least two signers of the Committee Report here, one of the Majority and one of the Minority, have considerably more than three children.

Finally, a landlord subject to this section may set aside not more than 25 percent of his

total number of rental dwelling units if he provides notice to the Human Rights Commission designating which specific units have been set aside for that purpose.

If you weave through this Bill, you'll see that there are all kinds of exceptions. I'd like to have a signer of the Minority Report, Mr. President, address some of these concerns which have been raised. Thank you.

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

Senator CONLEY: Mr. President, I am proud to rise this morning on the floor of the Senate. I think the first item on my agenda would be, I would like to pose a question through the Chair to the good Senator from Penobscot, Senator Devoe, and ask him if he would support this Bill if it did apply to everyone?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Mr. President, the answer is no. I asked a question of the good Senator from Cumberland or anyone else who would care to answer it. Why we are being asked to pass a bill that has so many exceptions in it? It clearly does not apply to all the people in the State. At least the original bill was gusty enough to be up front about it, and say that it was going to apply all over, to all apartment units. Now, in an effort to get support, they've carved out all kinds of exceptions. If you have a structure where the landlord lives himself, and there are five or fewer dwelling units, that's exempt from discrimination. In other words, he can discriminate in rental of apartment units with children.

Then if you have an area that is rented by people 62 years or over, you can discriminate against children in those apartments. A couple of other exceptions. I asked the questions so the Senator would address why are all these exceptions in this Bill?

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

Senator CONLEY: Mr. President and Members of the Senate, it's my pleasure to rise and respond to some of the problems, or some of the questions that the good Senator from Penobscot, Senator Devoe, has asked. Let me just state very clearly. I could have supported the Bill that was introduced by the good Senator from York, Senator Hichens, in its entirety, without any problems. Unfortunately, the good Senator from Penobscot is quite aware that we would have had problems trying to pass that Bill. In fact, we have a bill that's on this calendar today dealing with tenant/landlords. We know that we had somewhere in the neighborhood of 40 bills dealing with that subject. Those 40 items were cut down and carved out by both the people representing the tenants, and by the landlords associations. They came in with one bill. They did away with roughly 35 different items that were being focussed on in this Legislative Session. There was a compromise worked out.

There's an old saying, "that a journey of 1000 miles must begin with the first step." Step one is before you this morning. If you would only take the time to review the Bill. Can we continue to allow landlords to continually discriminate against families who have children?

Thirty percent, 30 percent of all the ads that are placed in the newspapers, throughout this State, advertising rents available have the last cliché on the end of that ad, "No Children." Fifty percent of all those ads State-wide that have at the end deleted, no children, 50 percent of those people, once contacted, denied children.

We have a very serious problem in this State when it comes to housing of children. Has anyone considered, with the interest rates

today on the purchase of a home, of what the economic impasses come down onto these, particularly, young people today, who are raising a family, what a hardship it is for them. They can't buy a home. Economically they're strangled. Yet, because someone who's in the business of renting decides that they're going to keep their castle to themselves or to only those people who are preferred.

I think we put these exemptions in to make it easier for some landlords. I don't see any great problem to start off with. When we start talking about a five room unit. I don't see any problem when it comes to talking about the health and the safety of a family. Should we put Gerry Conley's family of twelve children, a husband, and a wife into an apartment with five rooms? A family of thirteen children in five rooms? I don't think that would be warranted. I don't think that it would be a safety or a health feature for that apartment.

The problem is that we have a serious, serious thing going on in the State. It's got to be addressed. I say God bless the Senator from York, Senator Hichens, for sponsoring this bill, and others who sponsored similar bills dealing with the subject.

Yes, this is the year, apparently, we go after the kids. We'll take the bad ones and we pass legislation throw them in court and print their names in the paper. Let's at least give them a roof over their heads, and pass this legislation.

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

Senator NAJARIAN: Mr. President and Members of the Senate, this is truly a mother's bill. As a mother who has raised two children from infancy to maturity, at least legal maturity, and I have one still in the process of growing up, I have observed society's attitudes towards children, through my own children and their young friends, and through my friends and neighbors, who also have children. There are the obvious forms of neglect and abuse, which usually has physical manifestations.

There is a more subtle and pervasive form of neglect that is practiced by parents generally and condoned or accepted by society. It is reflected in public policy, as evidenced by the Ought Not to Pass Report on this Bill today.

It's been my experience and observation that parents, particularly mothers, feel it necessary for their own health and well-being, to escape from their children as much as possible, and in fact, devise all sorts of means to accomplish this. For example, visiting a neighbor or a relative, the child is told to go out and play, don't bother us, we just want to talk together, do anything, but leave us alone.

If you're invited out for dinner in the evening, the children are never invited. They don't say don't bring your kids, but you and I both know if we did, that would be the end of the social relationship.

Most children, if left to their own devices, would soon tire, become bored with adult conversation, but by actively urging them to get lost, we install in them the idea that their company is not desired, or desirable.

It used to be that families visited, with their children, and much fuss was made over them, but no longer. People have too many material possessions, property, if you will, that they are afraid children will damage by their curiosity or boisterousness.

Parents and others expend an inordinate amount of time and energy devising methods to escape from their children. Retirement communities are often segregated. Some of them have rigid restrictions on how often and for how long grandchildren may visit. The people who live in these communities say they brought up their own kids, and that's enough. They don't want any more around.

Then there are the single people, and young couples who have decided not to have children at all. That's fine. People who don't want children are the last people who should have them.

Many of them do not even want their neighbors to have children.

There are enough of both of these kinds of people around to get children zoned right out of a lot of places, just as if they were some sort of hazardous waste, or obnoxious chemical industry.

Few states have laws forbidding this kind of discrimination. Bills to discriminate, to prohibit discrimination against children in rental housing have repeatedly been defeated by Maine Legislatures. The Maine Senate, two years ago, didn't even bother to debate the issue. It went under the gavel, dead. I was ashamed that I had sat here and said nothing.

The truth is that every child is a responsibility of every adult. No child should be made to feel unwanted or unworthy, not just by their parents, but not by their neighbors either, and certainly not in public policy. There is a widespread attitude among adults, is suffer the little children to stay the heck away from me. All we seem to require then is that they stay out of our hair, and out of trouble. I believe that this not only does a great injustice to children, but causes them to doubt their own worth, and is one of the reasons we have such problems with them when they become young teenagers.

Middle class families with children are having a hard time finding apartments in Portland and other cities. They quail at the thought of the even harder time they will have paying for the houses they will have to buy as a result of not being able to rent anything.

Those with less income don't even have that option. Every now and then, the Press Herald features some family, usually a mother and her children, who were forced to live in their automobile for days or weeks, because there are no rents available that will accept children.

Not all children are destructive. Not all children are boisterous. Any parent with any sense will teach their children when they're renting property, to respect that property, knowing some day, that if they don't, they will destroy their own home.

In addition, landlords have, at their disposal, the ability to evict. They have at their disposal security deposits to cover damages.

I think children should not, across the board, be excluded. Some children are taught to behave well. Some children are infants, even infants are not. God knows they can't do any damage. I just think that to say no children, period, is a terrible public policy, and I hope that the Senate will Accept the Minority Ought to Pass Report.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: As the sponsor of this piece of Legislation, I feel that I should at least speak to it, and thank all those people who have supported this measure. I'd like to concur with the good Senator from Portland, Senator Najarian, who has said in much better words than I ever could, the exact feelings of how I feel about this piece of Legislation.

Children are society's problem, and society's future. We have a responsibility to look after those children. When we tell them tacitly, that they can't have housing because they're not good enough, or they're going to destroy, and we don't take the responsibility of making sure that they do not destroy, then we are ignoring our responsibility to society.

I think that it is absolutely ludicrous for us, as a Body, to even consider not passing this piece of Legislation. We should have it. We should not be discriminating. There are things in that Bill that would allow a landlord to have discretion on who he rents to. All it says is one of those discretions is not because I have children.

When I was a young married person, we had gotten out of college, we had started a career, we had one child. I could not get a rent in the

City of Portland, Maine. This was many years ago. I will not say how many years ago. I had hoped that that problem had been solved. We had to borrow money for a down payment. As I understand the laws back then, it was illegal to borrow money for a down payment on a house. We borrowed it through the Teacher's Credit Union, to be able to buy that house, because that was the only housing we could get. That was with one small baby.

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

Senator HICHENS: Mr. President and Members of the Senate, I don't think I deserve all the credit that's been given to me this morning by the good Senator from Portland, Senator Conley. I am not the sponsor of the Bill, as has been just been told you by the good Senator from Kennebec, Mrs. Bustin. She is the sponsor. It happens that my name is the last one listed as a co-sponsor.

I am glad to be a co-sponsor. If I get another headline in the paper tomorrow, that Hichens has jumped the ship again, so be it. I was elected as a Republican. I don't think this is a Republican or a Democrat Bill, any more than I think the one is that we'll be debating a little later on today, in which I was the lone Republican to vote for the issue.

I was sent here by my people as a Republican to represent the people. That's what I think I'm doing today. Like the good Senator from Portland, I only raised half as many children as he did, or slightly over half as many children. Down through years, I've had a great many people come to me complaining because they couldn't get a rent, or they couldn't get a place to live because they had kids. They knew I was sympathetic, because I did have kids. They weren't the best behaved kids growing up. We had problems with them.

In fact, last week when I took my grandson on a trip with us, and got the credit for missing the Session for one day, he decided he was going to run on the whole trip across the Bay of Fundy, while the rest of us were trying to get some sleep. Probably I could have thrown him overboard very easily, at times, but I love kids. I love people that have kids, and have the courage to raise them in this day and age. I think they should have a place to live.

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

Senator CONLEY: Mr. President, I request that when the vote is taken, it be taken by the Yeas and Nays.

The PRESIDENT: The 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 Somerset, Senator Redmond.

Senator REDMOND: I have a question to the proponents of this Bill. Is there anything in the statutes that prevents the City of Portland, or any city, to do something about this issue that we're discussing, we're just about to vote upon? Is there anything in the statutes that prevents them from enacting their own rules and regulations to make it easier for people with families to find rents?

The PRESIDENT: The Senator from Somerset, Senator Redmond, has posed a question through the Chair to any knowledgeable Senator who cares to answer.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I don't claim to be an attorney general or a legal expert, but I'll say this. The reason I'm interested in this Bill, I want the people in Franklin County, the children in Franklin County to be

treated as fairly as the children in Portland, or Madawaska, or any other place.

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

Senator COLLINS: To pose a question through the Chair, is it true that more than 68 percent of the rental housing in Maine has no restriction against children?

The PRESIDENT: The Senator from Knox, Senator Collins, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: First of all, I believe that there has been no documented evidence of any housing being allowed for children. I think that all the facts and statistics that were presented before the Committee do not represent any codified or authoritative source with regards to allowing children in properties.

De facto, what has happened is a great amount, if not a substantial amount, majority of the amount of housing in the State is taken away from children. The fact that the housing units that are available has been estimated that as many as 75 percent of the ones on the market at any one particular time in any one particular community, have not allowed children. This has come from newspaper advertisements. Myself as a real estate broker, I've had many difficult times in my own communities where there have been no apartments available for children.

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

Senator REDMOND: No one has answered my question on the local option. Until I get an answer to that question, I wish that someone would Table this matter.

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

Senator SUTTON: Mr. President, I move this lay on the Table until later in today's session.

The PRESIDENT: The Senator from Oxford, Senator Sutton, has moved this be Tabled until later.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I'd request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Oxford, Senator Sutton, that LD 1470 be Tabled until later in today's session, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

8 Senators having noted in the affirmative and 22 Senators having voted in the negative, the motion to Table until later in today's session does not prevail.

The PRESIDENT: The Senator from Cumberland, Senator Conley, asks Leave of the Senate to speak a fourth time.

Is there objection?

The Senator has the floor.

Senator CONLEY: Mr. President, I would just like to respond to the question that was posed by the good Senator from Knox, Senator Collins. That is, that 68 percent of the units available to the public annually, excuse me, 68 percent of the rents are what we call, one bedroom units. Obviously, the problem becomes when you have three or four children, those units are certainly not acceptable to a family.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you, Mr. President. Women and Men of the Senate, I have vacillated a fair amount on this issue. I guess I've come to the conclusion that bad behavior isn't limited to just children. Also, as a developer, having been involved in developing housing units, it's very easy to find a town that wants elderly housing. It's very difficult to find a town where you can move in with family housing.

The reason being is they don't want the children, because the problems that comes with that in terms of schools and various services.

Because of these concerns, I have decided at this point that I'll come down on the Minority Report and favor the passing of this Bill. Thank you, Mr. President.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate Accept the Minority Ought to Pass, in New Draft, Report of the Committee.

A Yes vote will be in favor of the motion to Accept the Minority Ought to Pass, in New Draft, 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—Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Hichens, Kerry, Minkowsky, Najarian, O'Leary, Pray, Trafton, Usher, Violette, Wood.

NAY—Ault, Collins, Devoe, Emerson, Gill, Huber, McBrearty, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Troitzky.

ABSENT—None.

A Roll Call was had.

17 Senators having voted in the affirmative and 15 Senators in the negative, with No Senators being absent, the motion to Accept the Minority Ought to Pass, in New Draft, Report of the Committee does prevail.

The Bill, in New Draft, Read Once, and Tomorrow Assigned for Second Reading.

Senator Hichens of York was granted unanimous consent to address the Senate, On the Record.

Senator HICHENS: Thank you, Mr. President.

When we convened December last, new faces here were seen

Among them one to Senate procedures was quite green.

The first time his name was mentioned, he rose up to his feet;

And bewildered, looked around at us, then slid back in his seat.

He comprehended what was going on in a few days

And settled down to business and Legislative ways.

His southern accent was unique for one from Eastern Maine

And soon we learned that he was brought up on the Kentucky plain.

In February he was chosen as Senate Sweetheart

And from the ranks of manliness for moments did depart

As he stood up before us all decked in flowers and such.

He looked as if he liked it all—in truthfulness—not much.

Shy and retiring he was, until the Bass Bill came

And then he got stirred up real good—made for himself a name

As one of eloquence—with words—but though his speech was good

He tasted the dregs of defeat—as many knew he would.

And as the session's end draws nigh—he probably will yearn

For future sessions knowing well he has a lot to learn.

And learn the ropes, I'm sure he will—you'll never get him down

So join in a Happy Birthday wish to winsome Larry Brown.

Senator Brown of Washington was granted unanimous consent to address the Senate, Off the Record.

Second Readers

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

House

RESOLVE, to Authorize Expenditure of Certain Federal Funds for New or Expanded Programs. (Emergency) (H.P. 1361) (L.D. 1546)

Bill, "An Act to Provide for the Election of Jury Trials in Certain Criminal Cases." (H.P. 1328) (L.D. 1527)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1981. (Emergency) (H.P. 1498) (L.D. 1618)

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

House — As Amended

Bill, "An Act to Improve the Efficiency of County Government." (H.P. 1094) (L.D. 1291)

Which was Read a Second Time.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

Bill, "An Act to Amend, Revise and Codify the Landlord-Tenant Laws." (1476) (L.D. 1608)

Which was Read a Second Time.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

Bill, "An Act to Repeal the Law Preventing Mentally Ill People from Getting Married." (H.P. 320) (L.D. 349)

Bill, "An Act to Improve County Budget and Financial Procedures." (H.P. 1095) (L.D. 1292)

Bill, "An Act Clarifying Municipal Authority to Invest Funds." (H.P. 884) (L.D. 1053)

Bill, "An Act to Amend the Unfair Sales Act." (Emergency) (H.P. 1479) (L.D. 1610)

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

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

Bill, "An Act Requiring Motorists to Protect Children in Motor Vehicles by Use of Approved Child Safety Seats." (H.P. 1360) (L.D. 1545)

Bill, "An Act to Establish an Arson Reporting Immunity Act." (H.P. 1272) (L.D. 1487)

Bill, "An Act to Clarify the Domestic Violence Statutes." (H.P. 636) (L.D. 726)

Bill, "An Act to Adopt the Main Municipal and Rural Electrification Cooperative Agency Act." (H.P. 1096) (L.D. 1295)

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

Bill, "An Act to Permit Appointment of Deputies for the Purpose of Registering Voters Under the Election Laws." (H.P. 135) (L.D. 162)

Which was Read a Second Time.

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

Senator PIERCE: Mr. President, I move the Indefinite Postponement of this Bill and all of its accompanying papers.

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

Senator PRAY: I ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Kennebec, Senator Pierce, that LD 162 be Indefinitely Postponed, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

14 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion to Indefinitely Postpone LD 162, in non-concurrence, does prevail.

Sent down for concurrence.

Senate

Bill, "An Act to Require the Department of

Human Services to Provide Home-based Care as an Alternative to Nursing Home Care." (S. P. 614) (L.D. 1620)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Create a Bond Issue for Energy Conservation and Conversion for Small Business." (S. P. 489) (L.D. 1390)

Bill, "An Act Requiring an Annual Report on Safety Problems by Nuclear Power Plants." (S. P. 420) (L.D. 1242)

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

Sent down for concurrence.

Orders of the Day

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

SENATE REPORTS—from the Committee on Labor — Bill, "An Act to Revise Workers' Compensation Disability Payments." (S. P. 358) (L.D. 1033) MAJORITY REPORT Ought Not to Pass; MINORITY REPORT Ought to Pass.

Tabled—May 18, 1981 by Senator COLLINS of Knox.

Pending—Acceptance of Either Report.

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

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

SENATE REPORTS—from the Committee on Labor — "Bill, An Act to Standardize Death Benefits under the Workers' Compensation Laws." (S. P. 359) (L.D. 1034) MAJORITY REPORT Ought Not to Pass; MINORITY REPORT Ought to Pass.

Tabled—May 18, 1981 by Senator COLLINS of Knox.

Pending—Acceptance of Either Report.

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

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

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

Tabled—May 18, 1981 by Senator COLLINS of Knox.

Pending—Passage to be Engrossed.

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

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 18, 1981 by Senator COLLINS of Knox.

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

Tabled—May 18, 1981 by Senator PIERCE of Kennebec.

Pending—Motion of Senator SEWALL of Lincoln to Reconsider Adoption of Committee Amendment "A" (H-388)

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

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

HOUSE REPORTS—from the Committee on Education — Bill, "An Act Concerning Equiva-

lent Courses Offered by the Various Campuses of the University of Maine." (H. P. 839) (L. D. 1005) MAJORITY REPORT — Ought to Pass as Amended by Committee Amendment "A" (H-407); MINORITY REPORT — Ought Not to Pass.

Tabled—May 19, 1981 by Senator COLLINS of Knox.

Pending—Acceptance of Either Report.

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

Senator TROTZKY: Mr. President, I move that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

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

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, Men and Women of the Senate, we have before us again a Divided Report from the Joint Standing Committee on Education. You will remember from the calendar of yesterday that this is what we call a nonpartisan divided report. The vast Majority of that Joint Standing Committee supports the Ought to Pass, as amended, by Committee Amendment "A" under filing number, in case you're interested, of H-407.

The introduction of this Legislation is in direct result of Maine citizens', consumers of the University of Maine, so to speak, complaints about the non-transferability of credits within the University System. Traditionally and historically, and I think currently, Maine citizens believe that the University is a super University System, instead of being comprised of individual satellite campuses.

It has been suggested that the issue of non-transferability of credits is minimal at best, and that there are WATS lines and ombudsmen people situated at the various campuses which do address the issue, and that everybody is happy. That is not the case, as reflected in the hearing on this measure.

At the public hearing on this measure, we had testimony from the Chairman of the Board of Trustees, in opposition to this Bill. Yesterday the good Senate Chair of the Joint Standing Committee on Education distributed a letter from another of the University Trustees, in opposition to this Bill.

Interestingly enough, despite the sentiments contained in the letter from Dr. Evans, who is Chairman of the Board of Trustees, that was presented at the hearing, and despite the sentiments which are reflected in the letter from Trustee Harrison Richardson, which was not submitted at the time of the hearing, nor submitted at the numerous work sessions on this Bill, the Majority of the Committee on Education still held the belief that the transferability of credits within the System is, in fact, not occurring.

At the public hearing, I testified to an incident which occurred, one of the three complaints from my constituents this year, about a young girl recently married, who is employed as a dietitian in a hospital on the coast of Maine, that City of Bath. She graduated from the University of Maine in Farmington with a baccalaureate degree in Food and Nutrition, and Home Economics, attempted to transfer her credits, which she acquired at the University of Maine at Farmington, to a Graduate Program in Nutrition at the University of Maine at Orono, and found, to her chagrin, and I mean sincere and deep chagrin, that in fact all of her undergraduate work was not accepted.

Where else is she going to go in the State of Maine for a graduate degree? Her employment as dietitian of this hospital is dependent upon a post-baccalaureate degree. She is one, not among thousands, but certainly among hundreds. That issue is currently being resolved internally within the University of Maine

System. I would submit to you that had she not brought this to the attention of a State Legislator, that in fact, she might have been forced to acquiesce and repeat some courses through the University of Maine System located at Orono, that she had completed, highly successfully, at the University of Maine at Farmington.

You might even suggest that that is an isolated case. I would remind you to listen to your constituents. I don't stand here as an adversary of the University of Maine System, but as a proponent, as a strong advocate, and as a graduate of the University of Maine System.

The issue of transferability of credits, internally within our massive super-system, is not one which has emerged in recent days, but has, as we all know, dated back to the organization of the super-university, back to the late or mid '60's.

I have worked professionally to address the issue of transferability of credits since 1968. Professionally through my teacher's association, and professionally as a Legislator, offering assistance wherever I might. Yet, still, because of the persistent concerns and complaints from constituents in my area, as well as in other areas of education, I lent my name as sponsor of this measure, and would urge the defeat of the pending motion, so that we in this Chamber, for once, might Accept the Majority Report of that Committee on Education.

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

Senator TROTZKY: Mr. President and Members of the Senate, the University of Maine has many different campuses, many different programs offered on different campuses. The quality of the courses is different in the different programs. Essentially what the Bill co-sponsored by Senator Clark intends to do is say that we're going to establish a uniform system of transferring credits.

What we're doing here is, number one, we're interfering with the authority of the University of Maine Board of Trustees. Essentially, we've always taken a position in this Legislature of keeping our hands off. We had another bill before the Education Committee that said we should establish a law school, we should establish a program for a degree in law at the law school. We would mandate it, that if we had this part time, or in the evening, and so on. We took a hands off attitude, which we have traditionally done in the past.

The University of Maine is evolving. We have many campuses, some were teachers colleges. Others offered, like Orono, programs in engineering and graduate programs in many fields. To turn around right now and say, you have to standardize everything, have uniform transferability, overlooks the individual qualities of the different campuses of the University, and of the different programs.

You received a letter yesterday from former Senator Harrison Richardson, who is a Trustee of the University of Maine. He states that on May 18, 1981, the Trustees adopted the following policy, a resolution. I'd like to read it.

It says, "When a student is accepted for transfer within the University of Maine, all undergraduate degree credits attained at any unit of the University will be transferable to any other unit, but are not automatically applied to the specific academic degree program to which they have been transferred."

Each student will be expected to meet the established requirements of the academic program into which transfer is effected. An appropriate application of that credit is to be the responsibility of that particular academic unit."

What we're, I think, talking about, really here, is that in order to get a degree in a certain field in a certain specialty, there's going to be some type of transcript evaluation, at that department of the University, if the person's getting a degree in zoology, or in teaching of

mathematics. The transcript will be evaluated, to see that the courses coming from Farmington to Portland-Gorham, or from the University of Maine-Orono to Machias, meet the standards set up by the faculty in that department.

I think that it's wrong for us to turn around now and force them into standardizing all courses throughout the system. They are moving slowly in a direction of transferring credits. You still have to, the campuses still have individual qualities about them. Programs are different at the individual campuses. It's wrong, I believe, for us in the Legislature to turn around and stick our nose into the running of the University, when we appoint a Board of Trustees, which is a high quality Board of Trustees, I believe, a Board of Trustees which is sensitive to student needs.

I hope the Senate would not pass this Bill.

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

Senator CLARK: Thank you, Mr. President. Men and Women of the Senate, I would address briefly the remarks of the good Senator from Penobscot, Senator Trotzky, with particular emphasis on a previous bill dealing with the University of Maine Law School. As I'm sure he very well remembers, there are numbers of the Committee on Education that would have reported other than Ought Not to Pass on that measure, had there been monies available to expand the programs at the University of Maine School of Law.

Many of us signed out Ought Not to Pass, simply because we philosophically are opposed to expanding a program when, obviously, there is no money available for the expansion of that program. It does not reflect terribly, positively or responsibly on members of that Committee.

This Bill provides that a committee be established to make recommendations to the Board of Trustees, and that that report will be deliberated by the University of Maine Board of Trustees, who shall implement a plan based on the recommendations contained in that report.

The committee would be composed of members of the various campuses. I feel in no way that that interferes with the authority that we legislatively have vested within the Board of Trustees, nor does it impinge on the integrity of that fine Board.

This simply says that the problem exists. We are in no way diminishing the efforts through the chain of command from the Board of Trustees down and internally through the administration of the University of Maine System, that has over the years sought to address the problems of transferability of credits.

The fact remains stark and indisputable. Students continue to enter the University of Maine, pay their fees, make a commitment to not only the State of Maine, and to their futures and careers, and find to their surprise, and indeed, alarm, that when they wish to transfer from one campus to another, and not necessarily from one major to another, that those courses which they have successfully completed are not transferable. That fact is irrefutable.

I commend the student government organization at the University of Maine for presenting to the Committee on Education a comprehensive and thorough study on this issue, which resulted in the introduction of this Bill. Transferability of credits is not necessarily the exclusive domain of those members of the University staff and administration who make, sometimes, and perhaps too frequently, arbitrary judgements, that a committee should be formed, that recommendations to the Board of Trustees should be submitted, and that that Board of Trustees shall implement those recommendations as they see fit, based on their judgement and evaluation, and determination. I think, is an appropriate measure to address an obvious need within the University System. No one disputes that fact, not even the people

who testified in opposition, and not even the newly appointed members of the Board of Trustees.

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

Senator TROTZKY: Mr. President, the comprehensive report that Senator Clark makes mention of is a paper here put out by one student from the student government association of the University of Maine at Augusta. It's not a comprehensive paper put out by all the student government/senates of all the campuses of the University of Maine.

Looking at this Bill, this is what it says. The Board of Trustees shall implement the recommendations. They shall implement the recommendations contained in the report. I mention this and I think it's important that the people recognize this, that we have different campuses throughout the system, different programs throughout the system.

What this Bill tends to do is try to level all courses to a common denominator. All it does is promote mediocrity. Some programs at the University are very highly regarded. The standards of excellence compare with some of the best universities in the country. Programs such as engineering, as an example.

You have to look at every individual case, every individual transcript that comes from one branch of the University to another has to be evaluated individually, to determine whether it fits the degree which is being offered by that campus of the University of Maine.

I think that we're getting into something here that we should not be getting into, that cases have to be handled individually. We have a qualified Board of Trustees, which has responded to this Bill, by creating a Hot-line, a Transfer of Credit Hot-line at all the different campuses. A student is able to make a call to get some determination as to whether certain courses that he or she has taken will be transferred to a program at another branch of the University.

They are responding now, but what this Bill is asking is that the Board of Trustees shall implement certain recommendations by a committee that is set up. I feel it's wrong to be turning around now and interfering with the authority of the Board of Trustees at the University.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, the last three or four years we've had bills similar to this in here. Every year we don't need a comprehensive report, or even a four page report from the students at the University of Maine in Augusta. We've had the Trustees themselves admit that this practice took place. We've the Trustees themselves at the chancellor's office admit that this in fact did happen and shouldn't happen. Something was going to be done about it.

I would say that probably in the list of constituent matters that I've had called to my attention in the past seven years, that this problem would rank in the top five. Because I happen to represent a part of rural Maine, and if you have any area in your district from the University of Maine — Machias, Fort Kent, Presque Isle, Farmington, or the small outlying rural schools, you're going to have a lot of complaints if the students start to get a hold of you.

The University System does not want an influx of second and third year students into Orono or here into Southern Maine. They don't want them. This is one way that they have of keeping them out.

I realize the Hot-line has been set up. I wonder how many students at these smaller rural colleges realize. We talk about the super-University. Do we have a university? Or do we have a big University at Orono, a little university at Southern Maine, and a bunch of subsidi-

aries? That's what we have as long as the practice is allowed to go on.

We don't have the problem that prevalent from the University of Southern Maine, because the University of Southern Maine has grown, and they have the political clout to have grown and become more powerful over the years. I wish them well. I think that's fine.

Where you have the problem, and it's a real problem, is trying to transfer either to Orono or Portland from one of the other branches of the University of Maine. It happens. It happens regularly.

I realize that the good Senator from Penobscot talks about different courses. That's true. When you take the same course that's listed at the other school, by number, by course description, and then you find out that you can't transfer it in. What the chancellor's office, or what the University structure is saying, is that we don't think that course at that school is good enough. If they want to come out and say that, fine. Let them do it. Don't punish the student. There is no justification for it in a so-called super-University System.

Mr. President, if the request has not already been made, I request the Yeas and Nays.

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

Senator TROTZKY: Mr. President, I'd just like to respond to an assertion made by the Senator from Aroostook, Senator Carpenter, that the University of Maine is trying intentionally to keep students from transferring to Orono. I don't think that he has any evidence to substantiate that.

I think before statements are made, that there should be some evidence as to what students were kept from transferring to Orono, and for what reasons.

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

Senator CLARK: Mr. President and Members of the Senate, the good Senator from Penobscot, Senator Trotzky, has brushed aside ever so casually a report entitled "A History, Analysis, and Plan of Action, Transferability within the University of Maine" submitted to our Committee by a member of the student government association at UMA. That is one of the comprehensive papers to which I referred.

I am surprised, and indeed amazed, that that good Senator has discounted a sincerely comprehensive report, fondly called the "Green Book", dating back to 1976, which was referred to the Committee by the Registrar at the University of Maine at Orono, who says that, can a common course numbering system for all campuses in the University of Maine System be established? The answer is technically yes. That recommendation was incorporated into that report, to which I refer, the Green Book in 1976.

The fact of the matter is that mediocrity will not be the end result of the passage of LD 1005. Isn't it interesting, in 1981, that after multiple bills on this topic have been introduced in previous legislatures, and that we finally received a Majority Ought to Pass Report on a vehicle which is feasible, that the University of Maine would for the first time establish a Hot Line in response to the concerns expressed at the public hearing. I compliment them on that, but it's almost twelve years too late.

The committee which would consist of representatives from the various campuses would indeed address numbers of issues. I have faith in the composition and the integrity and the ability of that committee to make feasible recommendations to the Board of Trustees, who shall implement their recommendations. Of course they're going to take into consideration common course numbering systems, particularly with reference to core curricula within the various departments and the various major areas of study. Of course they're going to differentiate between some of the specialized courses in some of the more technical and specialized areas of major areas of study. To

assume that they're going to be laissez-faire, and irresponsible in their recommendations to the Board of Trustees, I think is to assume or presume erroneously.

The myth still persists that we have a super-University System. I would submit to you that that myth should be dispelled or reinforced.

We have one Board of Trustees, and one Chancellor. In fact, what we then have, are seven separate competitive campuses with seven separate presidents. That was very well presented to the Committee on Education when those fine presidents of those fine campuses made presentations before our Committee.

We have seven separate campuses, but today we have eight separate course numbering systems. Is there anything else to say? What more can I add?

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

Senator DEVOE: Thank you, Mr. President, I'm afraid there is, the Senator from Cumberland, Senator Clark, there is more to say on this. Are the seven campuses equal? Yes or No? I don't think that anyone here seriously can say that the seven campuses are equal. As the Senator from Penobscot pointed out, each campus has its own strengths, and correspondingly, each campus has its own weaknesses.

Does the Senator from Cumberland, who I understand is a school teacher mean to suggest that a course in high school English given in Freeport is necessarily the same quality as a course, using the same textbook, with the same teacher with the same years of education, that may be given in Portland, or Waterville, or Presque Isle, or Orono?

What the Senator from Cumberland is asking us to do is to become a quasi-Trustee of the University. A law was passed several years ago. We created a super-University. It may not be super in every respect, but the law gives the Trustees the power to govern that system, whether we like it or not.

Now, apparently, the Senator from Cumberland does not like everything the trustees are doing. So, she's saying where I don't like it, we're going to change the laws so that we substitute our judgment for that of the trustees.

Now, I guess, we all come down to a point of what is our view of government. Do we believe that the Board of Trustees is qualified to run the system? If we believe that the Board of Trustees, as was established some 13 or 14 years ago, is qualified, then why don't we let them do the job? I'm sure we're not going to agree with everything that the Trustees decide to do, but let's give them credit, they are moving forward.

We have been virtually harassed in this Body by debate on trailer park owners, used car dealers, electricians, somebody out there didn't do something, this somebody in this Body didn't like. So, therefore, let's pass a law. Let's substitute our judgement.

Now, if you're going to talk about academic freedom, nobody has raised that point, and I'm surprised that the Senator from Cumberland did not raise that point, she being a teacher. Where do the academic deans fit into this picture, because they are given the authority by the offices of the university for determining and carrying out the academic policies of a particular college.

Now, somewhere in this whole framework, it seems to me that we have to consider what role does the Dean of the College of Arts and Sciences, Dean of the College of Technology, Life Sciences and Agriculture, what role does he play in determining whether students transferring from other campuses into his college are going to have there foreign, let's call them, foreign campus credits accepted.

Now, it seems to me that the present system gives to the deans some power to answer that question and to have input into this whole question.

The Senator from Cumberland said she's not

an adversary of the University System, and that may be that she is not an adversary of the whole system, but it does seem to me that the part of the system that she doesn't like, she is trying to substitute her judgment for the trustees and pass specific Legislation.

I think we have got to give the trustees the power to govern the university. We've already done that. Let's let our input be given to the trustees. Let's urge the trustees to respond to these things, instead of our trying to pass these laws.

Now, the Senator from Aroostook raised a point that this transferability of credits was in the top five list of concerns that his constituents had.

I did a lot of campaigning on the Orono campus of the University of Maine, last fall. Not one time, did any student ever talk to me about a problem that they had. Now, I won't say that there aren't students there at the Orono Campus who did have problems getting into Orono and getting some of their credits accepted, but that was not a problem expressed to me by the hundreds of students that I met week after week while I was up there on that campus.

Mr. President, I ask that this Committee Accept the views as expressed by the Senator from Penobscot, Senator Trotzky, and Accept the Ought Not to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, just to respond to the good Senator from Penobscot, Senator Devoe, as far as I know there is no problem transferring from Orono to Fort Kent. They'll take you in a second. No problem.

I think that if you stop and think about it. It's the same as with any other problem.

Now, we the students down here lobbying on the Drinking Age Bill. They used to talk to me as to why they couldn't get it through, and I said, because every year you lose all those people that are lobbying. They become 21, and they quit worrying about it. It's no longer a problem to them.

I would guarantee you that if you addressed a survey to the students at the University of Maine at Orono, or the University of Maine as I like to call it, to those students that have transferred in from these outlying colleges, not the University of Southern Maine, but the other ones, as to how many of them had a problem with credit transfer, you would be surprised. You would be amazed. Once they get there the problem is solved, and it's not a concern.

I said that of constituent problems. I'm not talking about issues of the day like, you know, vandalism and that sort of thing that we debate in this body. I'm not talking about those kinds of issues. I'm talking about constituent concerns that they call me with. Hey, Mike, can you help me out: can you give me a hand and tell me where to turn with this problem? In that area. I did over a thousand cases in that whole area of constituent work last year.

In that area I have a number of concerns, and I don't represent any college. This isn't any political issue with me. I don't have one of the branches of the university in my district. I have some students that go to all of them, but I don't have any in my district, but the good Senator from Penobscot asked a question of the good Senator from Cumberland about transferability of high school credit from one school to another if a child of a Senator wanted to transfer College English from Houlton High School to Orono High School, and couldn't do it, and that was a widespread State problem, the hue and cry in this Chamber would be deafening. At least, there is that much standardization within the many, many, many high schools of this State that we can't seem to get within the 7 campuses of the University System, and that is wrong.

The PRESIDENT: The Chair recognizes the

Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, just an inquiry on this little follow-up.

It seems to me that this whole question comes down on a question asked by the good Senator from Penobscot. Are all of our campuses equal? I quite frankly, misinformed or not, have been of the impression that they're not. If that's the case, then what's the rationale for requiring this? I know it's a problem as the good Senator from Aroostook said, I have had this same question, but if these campuses are not equal, for whatever reason, that seems to me would be the bottomline on this whole issue.

Maybe someone could clear that up for me.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, asks Leave of the Senate to speak a fourth time.

Is there objection.

The Senator has the floor.

Senator TROTZKY: Thank you Mr. President, Members of the Senate, I don't think you can say are the campuses equal? That's not the issue here. The issue really is the specific academic degree programs.

Now, for example, Farmington, in special education, has one of the best programs in the State. Maybe not the best. The University of Maine at Orono has the top engineering programs, probably, in the State. Portland-Gorham has its specific programs that it's strong in. So, you can't say are the campuses equal? One may be bigger than the other, but that doesn't mean that specific programs are better than a small campus.

What the policy of the board, which in a letter they passed out on May 18th, they adopted a resolution. I think this is the key to it. It says "when the student transfers within the University of Maine, all undergraduate degree credits obtained will be transferable, however," and this is the key thing, "those credits are not automatically applied to the specific degree program to which they are transferring."

So, in other words, each degree program, specific, whether it's in special education or engineering, or zoology, or whatever it is, that transcript is going to be looked at individually when the person transfers to determine whether the specific credits and courses being offered, for example, at Fort Kent, you know, will apply to that degree program being offered at Farmington or being offered at Machias, or wherever. So, I think, maybe that tries to give you some answer that you can't compare the campuses and say, which one is better.

We're talking about the specific degree program to which the individual student is asking to be transferred into, and I think this has to be left up to the people within the departments at the University. Within that department, if one's going for a degree in Forestry, credits are being transferred, for example, from Fort Kent, then, that department, for example if it is the University of Maine at Orono, has to look at what specific courses that student is transferring. What about the quality of those courses, what was being taught in those specific courses.

If you go to standardize courses by number, you also have to standardize the course. In other words, if you're going to say Forestry 1001 in Fort Kent, they're going to have a Forestry 1001 and so is the University of Maine at Orono, and the University of Maine at Machias, then you'd have to standardize the course also, and I think that this goes beyond what, I think, the Legislature really intends to do, because what we're tending to do here is to push mediocrity onto all the branches of the University of Maine, onto all the different programs, and so on.

I think that what we want to strive for is academic excellence in different programs and let those programs develop. If the University of Farmington has a program which is known throughout Maine, and maybe throughout New

England and the country, in Special Education. Let that program develop. Don't try to tend to push that down so it's equivalent to a similar program at another campus of the University of Maine.

The PRESIDENT: The Senator from Cumberland, Senator Clark, requests Leave of the Senate to speak a fourth time.

Is there objection?

The Senator has the floor.

Senator CLARK: Mr. President, Men and Women of the Senate, first I would thank you for granting me Leave to address you a fourth time on this issue.

It would appear from the remarks of the good Senator from Penobscot, Senator Devoe, that perhaps Minority, and in this case Majority, opinions of Committees should be contained in quantity, and perhaps even in volume.

He has not so subtly stated that we are continually being harassed in this body because someone doesn't like something, and that the opinions of Senators should be quelled because he would rather not be harassed. I refuse to apologize. If he doesn't choose to listen, he has my leave not to.

The problem contained in LD 1005 has been around for a long time, well over a decade. It's caused immense expenditure of funds on behalf of students and their parents, duplication of effort, and time. Time being, probably, the most valuable commodity.

The issue before us would not seek mediocrity, nor would that be its objective or goal.

The majority of the Members of the Committee on Education pursue excellence as well as the Minority signers of this Report.

Yes, I am a teacher, and, yes, I subscribe to academic freedom. And, the good Senator from Aroostook has said it ever so subtly, and ever so nicely, if we taught English at my high school in Freeport, it would be accepted at every other school public or private, in the State of Maine. Maybe, even, the courses that we teach at Freeport High School might be better than the courses in English that they teach at Orono.

I am not a quasi-trustee, nor do I invite the rest of the members of this Body to become quasi-trustees. Of course we aren't.

I do not like everything the trustees do, nor do I suspect they like everything that I do. No human beings ever agree on everything all the time.

The Board of Trustees is imminently qualified to run the system, but since when is any appointed and confirmed body of men and women, or any other group in this State, 100 percent responsive, effective, perfect? They know and acknowledge that a problem exists.

The Board of Trustees, the university faculty, and the administration constantly strive toward that day when there will be no problems on transferability of credits. They are moving forward. They have established hotlines. That is positive, and I compliment them.

Why don't we let them do their job? Is it interesting or just sheer coincidence that the Hot-lines have been established now? Again, my sincere compliments on the establishment of those Hot-lines to resolve the problems of transferability. Progress has been made in some of the departments. We wrote letters to all of the campuses and asked questions. The responses yes, common course numbering systems could be established within the University System, and easily for core courses.

The difficulty is not because the faculties are unwilling to do so, but it takes time logistically, for departments from 7 different campuses to meet together and reach such agreement. Progress has been and will continue to be made to reach commonality on transferability.

That's what LD 1005 is all about. It is an incentive that says a committee representing 7 campuses will be formed. They will submit their report, and the Board of Trustees shall implement the recommendations, and we are

in no way infringing upon the manner in which the Board of Trustees will implement their recommendations.

The University of Maine at Augusta says, yes, we can do it. The University of Maine at Fort Kent says, yes, we can do it. A common course numbering system will facilitate that transfer of credits within the University of Maine. Information on equivalent courses will be of benefit to students planning their curriculum prior to transfer to other campuses, thus avoiding duplication of time, commitment, and money, on behalf of all the people involved, not just students, but their families.

The University of Maine says, yes, technically we could, and it has already been accomplished, it says, by the registrars of the university in 1976, and the proposal is available in the green book. We know that there are still 8 course numbering systems.

I regret that I have taken your time, but I believe that this represents a topic that needs to be addressed, yes, even at some length within this august body, and I would urge that we reject the pending motion, so that we may accept the Majority Report.

Thank you Mr. President.

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 Senator from Penobscot, Senator Trotzky, requests Leave to Address the Senate a fifth time.

Is there objection?

There is objection, the Senator may not proceed.

Is the Senate ready for the question?

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

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

A No vote will be opposed.

The Doorkeeper will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Brown, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreairey, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky.

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

ABSENT—None.

A Roll Call was had.

17 Senators having voted in the affirmative, and 15 Senators in the negative, the motion to Accept the Minority Ought Not to Pass Report, in non-concurrence, does prevail.

Sent down for concurrence.

On motion by Senator Pierce of Kennebec, the Senate voted to Reconsider its action of earlier in today's session, whereby a Bill, "An Act to Create a Bond Issue for Energy Conservation and Conversion for Small Business." (S. P. 489) (L. D. 1390) was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor. Senator PIERCE: Mr. President, I present Senate Amendment "A" under filing number S-257 and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, offers Senate Amendment "A" to LD 1390 and moves its adoption.

Senate Amendment "A" (S-257) Read and Adopted.

The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

On motion by Senator Ault of Kennebec, the Senate voted to Reconsider its action whereby on Bill, "An Act to Establish a Consolidated Map of the State." (H. P. 1158) (L. D. 1379) the Senate Adhered.

The PRESIDENT: The Senator has the floor.

Senator AULT: Mr. President, I think that for the "Vacationland", State of Maine not to have a map of the State, is a mistake and I believe that the people that did have objections to this Legislation, might be willing to compromise in a Committee of Conference. I so move that we Insist and Join in a Committee of Conference with the House.

The PRESIDENT: The Senator from Kennebec, Senator Ault, moves that the Senate Insist and Join in a Committee of Conference with the House.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: I would ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Kennebec, Senator Ault, to Insist and Join in a Committee of Conference with the House, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

23 Senators having voted in the affirmative, and 6 Senators having voted in the negative, the motion to Insist and Join in a Committee of Conference with the House does prevail.

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

SENATE REPORTS—from the Committee on State Government — Bill, "An Act to Include Energy Projects and Agricultural Enterprises in the Guarantee Authority of the Maine Guarantee Authority and to Set Aside \$2,500,000 of the Guarantee Capacity for Energy Projects." (S. P. 523) (L. D. 1453) MAJORITY REPORT — Ought Not to Pass; MINORITY REPORT — Ought to Pass as Amended by Committee Amendment "A" (S-254)

Tabled—May 19, 1981 by Senator COLLINS of Knox.

Pending—Motion of Senator AULT of Kennebec to Accept Majority Report.

The Majority Ought Not to Pass of the Committee Accepted.

Sent down for concurrence.

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

SENATE REPORT—from the Committee on Labor — Bill, "An Act to Require the Workers' Compensation Commission to Conduct a Data Systems Study." (S. P. 189) (L. D. 491) Ought to Pass as Amended by Committee Amendment "A" (S-244)

Tabled—May 18, 1981 by Senator COLLINS of Knox.

Pending—Acceptance of Report.

On motion by Senator Collins of Knox, Retabled for 1 Legislative Day.

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

Bill, "An Act to Remove the Customer Charge from Electric Utility Rate Structures." (S. P. 417) (L. D. 1240)

Tabled—May 19, 1981 by Senator CONLEY of Cumberland.

Pending—Motion of Senator TROTZKY of Penobscot to Indefinitely Postpone Bill and Papers.

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

Senator CONLEY: Mr. President, I would urge that the Senate vote against the pending motion, and I think that we had ample debate

on this Bill, two days ago, and when the vote is taken I request that 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.

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

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, I request Leave of the Senate to Withdraw my motion to Indefinitely Postpone.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, requests Leave of the Senate to Withdraw his motion to Indefinitely Postpone LD 1240.

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

It is a vote.

Which was Passed to be Engrossed, an amended.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, having voted on the prevailing side, I move that the Senate Reconsider its action whereby LD 1240 was Passed to be Engrossed.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate Reconsider its action whereby LD 1240 was Passed to be Engrossed.

Will all those Senators in favor of Reconsideration, please say "Yes."

Will all those Senators opposed, please say "No."

A Viva Voce Vote being had, the motion to Reconsider does not prevail.

Sent down for concurrence.

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

Bill, "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)

Tabled—May 19, 1981 by Senator PIERCE of Kennebec

Pending—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.

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

Senator MINKOWSKY: Mr. President, is the Senate in possession of Joint Order Relative to the Committee on Audit and Program Review reporting out a Bill, (H.P. 1515)?

The PRESIDENT: The Chair would answer the Senator in the affirmative, the

Joint Order—Relative to the Committee on Audit and Program Review reporting out a bill (H.P. 1515) having been held at his request.

Senator MINKOWSKY: Mr. President, I now move Reconsideration.

On motion by Senator Collins of Knox, Tabled for 2 Legislative Days, pending the motion by the Senator from Androscoggin, Senator Minkowsky.

(Senate at Ease)

The Senate called to Order by the President.

The PRESIDENT: The Chair will appoint as conferees on the part of the Senate, on Bill, "An Act to Provide a Special Muzzle-loading Hunting Season." (H. P. 218) (L. D. 255).

Senators:

EMERSON of Penobscot
TROTZKY of Bangor

O'LEARY of Oxford

The PRESIDENT: The Chair will appoint as conferees on the part of the Senate, on Bill, "An Act Relating to the Public Utilities Commission Officials and Employee Compensation." (H. P. 577) (L. D. 637).

Senators:

AULT of Kennebec
GILL of Cumberland
TRAFTON of Androscoggin

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

Senator Bustin of Kennebec, was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Pierce of Kennebec, Recessed until 4:00 o'clock this afternoon.

Recess

After Recess

The Senate called to order by the President.

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

Papers From the House
Joint Orders

Expressions of Legislative Sentiment recognizing:

President Arthur S. Buswell, of Machias, for a decade of outstanding service at the University of Maine at Machias. (H. P. 1507)

Daniel R. Simpson, for his years of dedication and distinction to the field of journalism. (H. P. 1510)

Raymond and Christine Palmer, formerly of Portland, on their Golden Anniversary, June 7, 1981. (H. P. 1511)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Enactors

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

AN ACT to Provide one Additional Judgeship for the District Court. (S. P. 158) (L. D. 366)

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

AN ACT to Require the State to Pay its Share of School Funding on the 15th of Each Month. (H. P. 55) (L. D. 68)

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

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)

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

AN ACT to Establish a Statewide Cancer-Incidence Registry. (H. P. 807) (L. D. 967)

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

AN ACT Concerning Tuition Reimbursement to Private Schools. (H. P. 1002) (L. D. 1199)

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

AN ACT to Establish an Energy Conservation Program for Commercial and Light Industrial Buildings. (H. P. 1180) (L. D. 1404)

On motion by Senator Huber of Cumberland,

placed on the Special Appropriations Table, pending Enactment.

AN ACT Concerning Minimum Limits Required under the Financial Responsibility Law. (H. P. 1455) (L. D. 1596)

On motion by Senator Sutton of Oxford, Tabled for 1 Legislative Day, pending Enactment.

AN ACT to Clarify a Sentencing Disposition of Juvenile Offenders. (S. P. 93) (L. D. 209)

AN ACT to Clarify the Definition of Commercial Applicator in the Maine Pesticide Control Act of 1975. (S. P. 373) (L. D. 1115)

AN ACT to Improve Enforcement of the Plumbing Code. (S. P. 454) (L. D. 1300)

AN ACT to Adopt Federal Withholding Requirements for Payments to Certain Nonresident Alien Individuals, Foreign Corporations and Partnerships. (H. P. 2) (L. D. 2)

AN ACT to Provide for the Limitations of Liability in Regard to Certain Insurance Inspections. (H. P. 631) (L. D. 712)

AN ACT to Coordinate Agriculture and Energy Related Activities in State Government. (H. P. 648) (L. D. 753)

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)

AN ACT Relating to the Lobster Advisory Council. (H. P. 1154) (L. D. 1375)

AN ACT to Make the Good Samaritan Act Apply to School Employees. (H. P. 1250) (L. D. 1474)

AN ACT to Establish Strict Penalties for Hazardous Waste Dumping and to Provide Specific Definitions of Hazardous Waste. (H. P. 1004) (L. D. 1238)

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 Prohibit Hunting of Bear with Bait. (S. P. 64) (L. D. 91)

The PRESIDENT: The Chair recognizes the Senator from Arrostook, Senator Carpenter.

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I'm sure that everyone in the Chamber is sick and tired to death, as I am, of talking about hunting bear, by trapping or by baiting, in the spring or in the fall, or whenever, but I think that we're making a serious mistake today when we take this mechanism out of the hands of the department, out of the hands of the hunters, of the State of Maine.

It is an accepted practice within the State of Maine, albeit, not a very nice practice. It is an accepted practice upon which there are small businessmen and women out there who rely on this as part of their livelihood.

We have already passed the Bill, I believe it's L. D. 502, which deals with the spring season and baiting of bears. That no longer is a concern. That, therefore, makes this no longer a mother's Bill. We are now talking about essentially, fall bear hunting, and I think we are doing a real disservice to the hunting community in the State of Maine, and a real disservice to some people who have invested time and considerable amounts of money in this business, and I think we have taken a major step forward, this year, in outlawing the spring hunting of bear, and we've made this practice more acceptable to more people within the State of Maine.

I would just be distressed if we passed this Bill today, which I don't suspect that I've got the horses to kill it.

Nevertheless, I would move the Indefinite Postponement of this Bill and all its Accompanying Papers. I would ask for the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested.

On motion by Senator Collins of Knox, Tabled until later in today's session, pending the motion by the Senator from Arrostook, Senator Carpenter.

AN ACT to Clarify the Inland Fisheries and Wildlife Laws of Maine. (H. P. 1423) (L. D. 1577)

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President and Members of the Senate, this is the Errors and Inconsistencies Bill of Fisheries and Wildlife. I note right on the front page of this Bill that there's a section in here that was presented by the Department of Inland Fisheries and Wildlife to the Energy and Natural Resources Committee two years ago. It was unanimously turned down by our Committee. I see now that it comes before us in another form.

I have serious reservations about this one section. I wish someone would Table it for 1 day so that I may prepare an amendment for it.

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Enactment.

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

Which 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 following:

Orders

Expressions of Legislative Sentiment recognizing:

Dana Goodwin's restaurant, the Bowdoin, recipient of the Business of the Year Award by the Brunswick Area Chamber of Commerce. (S. P. 623) presented by Senator CLARK of Cumberland (Cosponsors: Representative MARTIN of Brunswick and Representative LIVESAY of Brunswick).

William E. Rittmeyer, who received the Annual Valued Member Award from the Brunswick Area Chamber of Commerce. (S. P. 624) presented by Senator CLARK of Cumberland (Cosponsors: Representative MARTIN of Brunswick and Representative LIVESAY of Brunswick).

Edward F. "Ted" Wilson, who received the Annual Citizenship Award from the Brunswick Area Chamber of Commerce. (S. P. 625) presented by Senator CLARK of Cumberland (Cosponsors: Representative MARTIN of Brunswick and Representative LIVESAY of Brunswick).

Beverly M. Hancock, who has been named Maine's Business Education Teacher of the Year and Maine Vocational Teacher of the Year, 1981. (S. P. 627) presented by Senator CLARK of Cumberland (Cosponsors: Senator COLLINS of Knox, Representative MITCHELL of Freeport and Representative SOULE of Westport).

Which were Read and Passed.

Sent down for concurrence.

Joint Resolution

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of William P. Ferguson of Springvale, an outstanding community leader. (S. P. 626) presented by Senator WOOD of York (Cosponsors: Representative TUTTLE of Sanford, Representative PAUL of Sanford and Representative RIDLEY of Shapleigh).

Which was Read and Adopted.

Sent down for concurrence.

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

Communication

Department of Marine Resources

May 14, 1981

Honorable Joseph Sewall
President of the Maine Senate
and

Honorable John L. Martin
Speaker of the Maine House of Representatives
Augusta, Maine 04333

Dear President Sewall and Speaker Martin:

As requested in Legislative Resolves, Chapter 55 (1977), we the undersigned are pleased to submit the following as our annual report on the status of fish passage construction in the Augusta dam.

Since our last report, we have been advised by the Attorney General's office that we should provide justifications for a fishway facility in Augusta before proceeding to petition the FERC (Federal Energy Regulatory Commission) for it was suggested that we develop a proposed fishway design and cost estimates for construction to present to the FERC.

We have secured the services of U.S. Fish and Wildlife Service to carry out a site survey and make recommendations on the fishway type and proposed location in the Augusta dam. Accompanied by biological staff of the Departments of Marine Resources, Inland Fisheries and Wildlife, Atlantic Salmon Commission, and a representative of Edwards Manufacturing Company, Mr. Ben Rizzo, a fishway engineer with the U.S. Fish and Wildlife Service, carried out a site inspection of the Augusta dam and appurtenant powerhouse structures on November 3, 1980. In conjunction with Mr. Rizzo's work, the Department of Marine Resources has prepared estimates of numbers and species of fish to be passed at Augusta, based on the biological production capacity of waters above the Augusta dam. These estimates are necessary for Mr. Rizzo to determine the desired size of the fishway. We are now awaiting Mr. Rizzo's report and technical recommendations. When this information is available, we will be able to secure consulting engineer services to provide a detailed site specific design and cost estimate. With this information we can proceed to petition the FERC to amend the license of the Edwards Company and require that a fishway be installed.

Enclosed for your information are copies of correspondence between the U.S. Fish and Wildlife Service and the state fishery agencies relating to this issue. If additional information would be helpful, we would be pleased to meet with you or your staff at your convenience.

Respectfully submitted,
S/GLENN H. MANUEL, Chairman
Atlantic Sea Run Salmon Commission
and

Commissioner, Department Inland
Fisheries and Wildlife
S/SPENCER APOLLONIO, Commissioner
Department of Marine Resources
and

Member, Atlantic Sea Run Salmon Commission

Which was Read and with accompanying papers. Ordered Placed on File.

Committee Reports
House

Ought to Pass

The Committee on Local and County Government on, RESOLVE, to Change and Authorize Expenditures of Franklin County for the Year 1981. (Emergency) (H. P. 1509) (L. D. 1623)

Reported pursuant to Joint Order (H. P. 264) that the same Ought to Pass.

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

Which Report was Read and Accepted, in concurrence.

On motion by Senator Collins of Knox, Under Suspension of the Rules, the Resolve Read Twice and Passed to be Engrossed, in concurrence.

Ought to Pass — As Amended

The Committee on Marine Resources on, Bill, "An Act to Prevent Gear Conflicts." (H. P. 1191) (L. D. 1415)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 433).

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" Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

Six members of the Committee on Labor on, Bill, "An Act Regarding Share Fishermen under the Employment Security Law." (H. P. 1186) (L. D. 1410)

Reported in Report "A" that the same Ought Not to Pass.

Signed:

Senator:

DUTREMBLE of York

Representatives:

BEAULIEU of Portland

MARTIN of Biddeford

HAYDEN of Durham

TUTTLE of Sanford

BAKER of Portland

Six members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass.

Signed:

Senators:

SEWALL of Lincoln

SUTTON of Oxford

Representatives:

LEWIS of Auburn

McHENRY of Ellsworth

FOSTER of Ellsworth

DAMREN of Belgrade

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

Which Reports were Read.

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

Senator SEWALL: Thank you, Mr. President. This Bill was put in to coincide with legislation that was pending in Congress. Nothing has been done, so I move the Indefinite Postponement of this Bill and all its accompanying papers.

On motion by Senator Sewall of Lincoln, the Bill and all its accompanying papers Indefinitely Postponed, in concurrence.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Concerning Arbitration Involving Municipal Fire and Police Departments and University of Maine Police." (H. P. 380) (L. D. 423)

Reported that the same Ought to Pass as amended by Committee amendment "A" (H. 435).

Signed:

Senator:

DUTREMBLE of York

Representatives:

BEAULIEU of Portland

BAKER of Portland

McHENRY of Biddeford

LAVERRIERE of Biddeford

TUTTLE of Sanford

HAYDEN of Durham

MARTIN of Brunswick

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

DAMREN of Belgrade

FOSTER of Ellsworth

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

Which Reports were Read.

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

Divided Report

Five members of the Committee on Taxation on, Bill, "An Act to Adjust Annually Individual Income Tax Laws to Eliminate Inflation Induced Increases in Individual State Income Taxes." (H. P. 907) (L. D. 1074)

Reported in Report "A" that the same Ought to Pass as amended by Committee Amendment "A" (H. 431).

Signed:

Senator:

WOOD of York

Representatives:

POST of Owl's Head

KILCOYNE of Gardiner

HIGGINS of Portland

HAYDEN of Durham

Four members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed:

Senators:

TEAGUE of Somerset

EMERSON of Penobscot

Representatives:

KANE of South Portland

TWITCHELL of Norway

Four members of the same Committee on the same subject matter reported in Report "C" that the same subject Ought to Pass.

Signed:

Representatives:

INGRAHAM of Houlton

DAY of Westbrook

MASTERMAN of Milo

BROWN of Bethel

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

Which Reports were Read.

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

Senator COLLINS: Mr. President, I move that the Senate Accept Report "C" and would speak to my motion.

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Accept Report "C", Ought to Pass Report of the Committee.

The Senator has the floor.

Senator COLLINS: Mr. President and Members of the Senate, this is the Income Tax Indexing Measure that we've heard about off and on for some time now.

Many of us in this Chamber, will recall that during the administration of Governor Longley, we were brought here in the Special Session to consider a Constitutional Limitation on spending. Most of us in this Chamber voted during that Special Session either for the Constitutional Limitation on spending or for a Statutory Limitation on spending.

Today we are looking at the other side of the same coin. We are to consider whether we want to put one measure of restraint upon the taxing process, a process which has become an automatic tax increase because of its nature.

Two years ago, when this same idea came before this Chamber, I believe that I voted against it. I did not fully understand it at that time, and since that time I have had the opportunity to study it, and I think many of us have read with interest the growing concern about taxation.

Last week the Senator from Cumberland, Senator Huber, talked with us about honesty in government, telling things like they are, getting up from the budgetary part of our process.

The purpose of Report "C" is to get up front

the taxing part of our process in the Income Tax, which as time goes on, is likely to be the biggest producer of revenues.

We all know that the Income Tax has a progressive tax schedule. As you move up the ladder of income, you pay a little bit more, a little bit more, and a little bit more as you move up everyone's income, we, therefore, have a built in, automatic, tax increase that the Legislature never has to vote upon and so we have more, and more, and more money coming into the coffers and of course, we spend more, and more, and more.

The result is that we are taking out of the pockets of every Maine taxpayer, who pays an Income Tax, a little bit more every year as the brackets creep up, and up, and up and up.

Now, let me point out to this Body that this idea of addressing this problem is not a partisan idea.

There were three Bills before the Committee on Taxation. Two of them were sponsored by Democrats and one of them by a Republican.

In the previous Session there was an indexing bill. I think perhaps two of them, and I remember, they were sponsored by Democrats. A member of this Chamber, Senator Wood, from York County, sponsored one of these indexing bills.

So, I am asking the Senate, today, to take a very careful look at this idea. Obviously, within the Committee on Taxation, there was a difference of views. There are three reports. I'm not going to try, today, to give you all the chapters and verses, of what the differences are and why, but I'm asking you to keep your eye and your thought of the main theme, the theme of whether or not you want to index our Income Tax, so that it will not forever creep upward, and upward, and upward without our recognizing that we are making an Increase Tax, and without our taking deliberate Legislative Action to increase the tax when we feel it is necessary.

One of the questions put to me by a very astute member of the Committee on Appropriations has been, well, how do we pay for this? My answer is, we are not taking away anything from the budget. We are putting a cap on an existing level. So, if you say, this is going to cost so much, I think you are making an assumption that is unwarranted, the assumption being that we are automatically going to move to a higher level because everybody's income is going to move to a higher level.

You are in effect proving my point that we have a built in tax increase in our present law. If you look at it as simply a recognition of the fact that indexing would put at least a partial cap on the Income Tax Revenues then how can you say that it costs us something?

It simply holds the line on the rate situation in the Income Tax.

I have placed on your desks a couple of editorials. One from a liberal newspaper, and one from a conservative newspaper. Both of which address the question of indexing, and I invite your attention to the analysis that appears there. I have placed on your desks, I'm not sure if there were enough to go around to everyone but some of you have them, an analysis of what it means in terms of a single taxpayer and married taxpayers with a family of four.

If you look at what happens under our present system, you will see that automatically, with the normal inflationary increases in personal income, the government receives each year, a rainfall because of the fact that the taxpayer is kicked upward into a higher bracket.

So, the actual tax increase for a single taxpayer on an example between 1979 and 1980 is a 15.5 percent increase in taxes rather than a 7 percent increase.

I'm sure that many of you will be interested in the version of this Bill that was Enacted in the other Body. That version is a very much watered down approach to the same idea. It is an approach which picks out one element of the

Income Tax, namely the standard deduction, and indexes that, and points out that that would mean a reduction in the revenue projections of around a million dollars. That, of course, has a certain appeal, and well let's take a little teeny-weeny step, but it really doesn't get at the problem in a forthright way.

The Bill that was before the Committee that would have completely indexed everything was the Bill by the Senator from York, Senator Wood. The bill that I am supporting today in Report "C", is a Bill that is aimed at those who are in the more modest brackets of the Income Tax, up to \$15,000 for an individual \$22,500 for the joint return.

So, this is not a rich man's Bill. It is a bill, which, if we consider it favorably will be a help to those people in the lower and moderate income brackets.

You will, also, notice that the cap that was placed here is not a complete cap. Again, this is an attempt to be conservative. It is not complete in the sense that it does not hold the cap 100 percent on the question.

I would ask you to consider this as a basic idea. Not every idea of this type succeeds in its first round. It didn't succeed 2 years ago. I submit that if we look at what's happening in our country, that this is the time to look at indexing.

In Washington, they're talking about reducing Income Tax in three bites, 10 percent, 10 percent, 10 percent. We aren't talking anything like that in Maine, but I think it's time for us to talk about holding the line on the brackets, and that's the basic idea here.

I'm hopeful that the Senate will see fit to Adopt Report "C", and that then we can continue the discussion of this idea. That we can place it in our basic tax law to do greater equity to our people, in the first place, but secondly, to make everyone of us face up, year after year, to the fact that is we want more money to come into government, we have to come up front and say so and pass the increase in the Income Tax. If we have to do that, we'll have to do it, and I shall vote to do it if it is needed.

If we automatically let this mechanism that's upon us increase taxes, then there will be no way of controlling this inflationary spread of government spending.

That's really a very important part of what's wrong with our economy today. Government spending that grows, and grows and grows automatically without a Legislative Body having to lift its finger to cast a vote. It is a very dangerous mechanism, and I submit to the Senate that this is a way of putting a firm hand on that mechanism and getting it without our control and helping to avoid the excessive inflation that we see year, after year in governmental taxing and spending.

Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: I would hope we would not accept Report "C" and go with Report "B".

Report "C" is An Act to Adjust Annually the Income Tax, in the first year in the biennium it has a General Fund loss of \$5.4 million and to the local fund of \$225,000. In the second year of the biennium it has a loss of \$17,240,000, and to your local fund of \$718,300.

We have all kinds of problems, I mean right today in the Transportation Department and funding our State Retirement System, and many of the others. I just don't think we can afford it at this time.

The second part is I'm against the Bill in particular because I think in the State of Maine right today we have a good tax mix. I think our property tax is fair and just. I think our sales tax is fair. Our corporate tax is pretty good. Our liquor tax is good. We have just revamped

in the Bureau of Taxation, so that our state tax will be coming in line with other states.

Just thinking that 3 or 4 years ago, I was in the Legislature during the Longley Administration. At that time we had two \$20,000,000 surpluses that we had to pass back to the public in refunds so forth. This would have been the time to put on a Tax Indexing Program. It's not today. So, I would hope that you would vote against Report "C".

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

Senator WOOD: Mr. President and Members of the Senate, I will try to be very, very brief, but I would urge you not to Accept Report "B" or "C", and then we could go with Report "A".

There are three reports on this, and I really, truly dislike going against my Chairman on the Committee, because I respect his judgement and tend to agree with many things he has said today. I, also, respect the judgement of the good Leader, the Majority Floor Leader, but I disagree with some of the things he said, and would like to outline what Report "A" tries to do.

I would first say that inflation impacts on all the taxes that we have. It impacts on the property tax. It impacts on the sales tax. It impacts on the income tax. So, to argue that inflation hits hardest the income tax, I think, is not entirely correct. Inflation hits all of those taxes. Of the 3 taxes the most progressive and the least regressive is the income tax. The property tax and the sales tax are regressive, they're not based on ability to pay.

We have seen attempts in this Session to try to give property tax relief. Those have failed, and I would think it would be unfair to only grant relief to the Income Tax payers and not do something about property tax.

That's basically why I signed Report "A", because, although I agree that we need to take a step towards indexing our income tax, we should not take the complete step. We should do a partial step so that we can get some of the other tax mixes in line and deal with the problems that inflation causes in those areas.

Our Bill, our Report, will cost, basically, the State a million dollars. It deals with the deductions, and I think that at this point, with all the problems we face, if we're going to do anything, this is a relatively modest step, and it's good faith effort on our part to show the income tax payers that we are concerned. At the same time, to pass Report "C", I think, would be to go too far the other way and not aid those other taxpayers that are also hit by inflation, and so I would urge you Accept Report "A".

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

Senator COLLINS: Mr. President, I would request a Roll Call, and I would once again say, I think it is an erroneous use of language to say that this costs us something because, the fact is, that what we do is simply hold the line on brackets.

The idea of doing just a little bit just isn't going to do the job, 36,000, close to 36,000 Maine citizens have signed petitions requesting the kind of indexing that Report "C" calls for.

If the Legislature doesn't make a genuine attempt to meet that request. There is a very great danger that the citizens of Maine at the ballot box will enact this sort of thing. Perhaps, that is the best way to do it, but in any event, it's incumbent upon the Legislature to consider that request, to consider this type of Legislation, and I hope that you will vote yes on the pending motion.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate, just a word in regard to this matter of the 2 reports "A" and "C".

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

Senator WOOD: Mr. President, Members of the Senate, just to clarify two points.

First of all, I would argue that inflation hits all taxes. If the price of an article goes up, you automatically pay more sales tax. You do not pay less sales tax when an article goes up, so there is a direct correlation between the sales tax and inflation.

Secondly, I think it's incorrect to read into the petition process, the assumption that the 30,000 or the 36,000 people that signed that petition were saying they were in favor of that Bill. I think that's a misreading of our petition process.

They signed a document saying that they wanted either the Legislature to act favorably on this matter or to send it out to referendum.

I would argue that if we took the thoughts of the 2 gentlemen that spoke about the petition process, we would have passed the Nuclear Shutdown Bill. We would have done away with the Maine Milk Commission, and we would have taken other steps because people had signed a petition.

I think that's a misreading of the petition process, and again, inflation hits all taxes. This is one way of dealing with it, and I think it's, at this point, the most equitable and financially responsible way of dealing with it.

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 Knox, Senator Collins, that the Senate Accept the Minority Ought to Pass Report "C" of the Committee.

A Yes vote will be in favor of the motion to Accept the Minority Ought to Pass Report "C" of the Committee.

A No vote will be opposed.

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

ROLL CALL

YEA — Ault, Collins, Gill, Hichens, Min-kowsky, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Trotzky, Usher.

NAY — Brown, Bustin, Carpenter, Charette, Clark, Conley, Devoe, Emerson, Huber, Kerry, McBreaity, Najarian, Teague, Trafton, Violette, Wood.

ABSENT — Dutremble.

A Roll Call was had.

15 Senators having voted in the affirmative and 16 Senators in the negative, with 1 Senator being absent, the motion to Accept the Minority Ought to Pass Report "C" of the Committee does not prevail.

The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: I move we Accept Report "B".

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

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I request a Division. I hope the Senate will vote No on the pending motion, so that we can then adopt Report "A".

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Somerset, Senator Teague, that the Senate Accept the Ought Not to Pass Report "B" of the Committee, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

12 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion to Accept the Ought Not to Pass Report "B" of the Committee does not prevail.

On motion by Senator Collins of Knox, the Ought to Pass, as amended, Report "A" 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.

Senate

Ought to Pass — As Amended

Senator CLARK for the Committee on Education on, Bill, "An Act to Authorize the Eastern Maine Vocational Technical Institute to Operate a Program for Practical Nursing in Ellsworth." (S. P. 426) (L. D. 1248)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-260).

Which Report was Read and Accepted, and the Bill Read Once. Committee Amendment "A" Read and Adopted. The Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Energy and Natural Resources on, Bill, "An Act to Amend the Petroleum Liquids Transfer Vapor Recovery Law." (S. P. 602) (L. D. 1600)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-259).

Signed:

Senators:

McBREAIRTY of Aroostook

REDMOND of Somerset

O'LEARY of Oxford

Representatives:

HALL of Sangerville

HUBER of Falmouth

DEXTER of Kingfield

JACQUES of Waterville

MICHAEL of Auburn

DAVIES of Orono

KIESMAN of Fryeburg

MICHAUD of East Millinocket

AUSTIN of Bingham

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

Signed:

Representative:

MITCHELL of Freeport

Which Reports were Read.

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

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

Paper From the House Non-Concurrent Matter

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

In the Senate, May 18, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (S-221).

Comes from the House, the Bill and Papers Indefinitely Postponed, in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreaity.

Senator McBREAIRTY: Mr. President, I move we Insist and Ask for a Committee of Conference.

The PRESIDENT: The Senator from Aroostook, Senator McBreaity, moves that the Senate Insist and Request a Committee of Conference with the House.

Is this the pleasure of the Senate?

The motion prevailed.

(Off Record Remarks)

Orders of the Day

The President laid before the Senate:

HOUSE REPORTS— from the Committee on Election Laws — Bill, "An Act to Revise the Law Concerning Absentee Voting." (H. P. 373) (L. D. 411) MAJORITY REPORT — Ought Not to Pass; MINORITY REPORT—Ought to Pass in New Draft under same Title (H. P. 1506) (L. D. 1619)

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

Pending—Motion of Senator PIERCE of Kennebec to Accept Minority Ought to Pass in New Draft Report.

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

Senator PRAY: Mr. President, I oppose the present motion being made. This Bill would, among a number of other things, allow absentee voting by mail, first of all, although I have no great objections to that. There's also another section of the Bill which would deal with candidates, or their spouses, being allowed to collect absentee ballots. My concern is more related to the rural areas of the State which in many instances, it is only the candidate that is an individual who is giving many people the opportunity to vote by absentee ballot to start with.

By adopting this, basically, candidates or their spouses would not be allowed to, under the existing law, an individual has to be a Notary or a Justice of the Peace, and he has to take an oath to that office. Enough penalties are in the existing law for those who may violate it.

I think that any individual or candidate who may violate the existing law dealing with absentee ballots suffers the wrath of the voters as it is. Thus, I can not see any necessity to prevent these individuals, or disenfranchising them from a responsibility or a charge which they have by being a Notary or a J.P.

Thus, I hope you would vote against the motion.

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

Senator PIERCE: Mr. President and Members of the Senate: I know probably each and every member of the Senate have come up against, in at least one occasion, some abuses in the absentee system. I'm not saying that this Bill is necessarily the cure-all, but it does address it really in a meaningful way for the first time. If there are some further changes that should be made, perhaps through amendment, I would certainly hope that this time you would at least keep this Bill alive so that we may address this important aspect of our Election Laws.

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

Senator PRAY: Mr. President, I'd like to pose a question through the Chair to the good Senator from Kennebec, if he could tell us what he just said, in a little bit more specific terms about what this bill does address, and what it doesn't address. He says it addresses the problem that is in absentee voting now. I'd like to have everybody look at the Bill and see what it does. See if it addresses those concerns.

Basically, the only thing it addresses is the candidate from picking up an absentee ballot. Other than that, it doesn't address anything, else. An individual who wants to vote by absentee, who votes early enough, can vote by mail. He doesn't have to have a J.P. or a Notary verify the ballot. It requires it only on one side of the ballot. You print absentee versus the existing printing on both sides of the ballot.

How does that take care of the concern of voting fraud in absentee ballots?

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

Senator PIERCE: Mr. President and Members of the Senate: One of the things that this

Bill does do is encourage more voting by absentee through the mails, rather than through third parties. I can say very frankly that I would trust the mails more than I would trust some of the third parties around this State that get absentee ballots.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate. I would just point out that in this one instance, the third party individual, the Senator make some rather strong overtones to it, happens to be you, who are sitting in this Chamber, now, and your spouses.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Kennebec, Senator Pierce, that the Senate Accept the Minority "Ought to Pass, in New Draft, Report of the Committee, please rise in their places to be counted.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I would request 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 Kennebec, Senator Pierce, that the Senate Accept the Minority Ought to Pass, in New Draft, Report of the Committee.

A Yes vote will be in favor of the motion to Accept the Minority Ought to Pass, in New Draft, 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 — Ault, Brown, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreairty, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Troitzky.

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

ABSENT — Dutremble.

A Roll Call was had.

17 Senators having voted in the affirmative, and 14 Senators in the negative, with 1 Senator being absent, the motion to Accept the Minority Ought to Pass, in New Draft, Report of the Committee, in non-concurrence, does prevail. The Bill Read Once. On motion by Senator Conley of Cumberland, under Suspension of the Rules, the Bill, in New Draft, given its Second Reading, and Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

The President laid before the Senate:

SENATE REPORTS — from the Committee on Labor — Bill, "An Act to Establish a Direct Payment System under the Workers' Compensation Law." (S. P. 218) (L. D. 605) REPORT "A"; Ought to Pass in New Draft (S. P. 621) (L. D. 1626); REPORT "B" Ought to Pass in New Draft (S. P. 622) (L. D. 1627); REPORT "C" Ought Not to Pass.

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

Pending—Acceptance of a Report.

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

Senator SEWALL: Thank you, Mr. President. I move that we Accept Report "B", Ought to Pass.

On motion by Senator Pray of Penobscot,

Tabled for 1 Legislative Day pending the motion by the Senator from Lincoln, Senator Sewall.

The President laid before the Senate.

SENATE REPORTS — from the Committee on Labor — Bill, "An Act to Stabilize the Maximum Weekly Benefits under the Workers' Compensation Act." (S. P. 225) (L. D. 613) REPORT "A" Ought Not to Pass; REPORT "B" Ought to Pass.

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

Pending—Acceptance of Either Report.

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

Senator SEWALL: Thank you, Mr. President. I move that we Accept Report "B", Ought to Pass.

On motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, pending the motion by the Senator from Lincoln, Senator Sewall.

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

Senator PRAY: Mr. President, is the Senate in possession of L.D. 490?

The PRESIDENT: The Chair would answer the Senator in the affirmative, the Bill, "An Act Relating to the Employment of Minors. (S. P. 188) (L. D. 490) having been recalled from the Governor's Desk.

On motion by Senator Pray of Penobscot, the Senate voted to Suspend its Rules, for the purposes of Reconsideration.

On motion by Senator Pray of Penobscot, the Senate voted to Reconsider its action whereby L. D. 490 was Passed to be Engrossed.

On motion by Senator Pray of Penobscot, the Senate voted to Reconsider its action whereby it Adopted Committee Amendment "A".

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Adoption of Committee Amendment "A".

The President laid before the Senate Bill, "An Act to Prohibit Hunting of Bear with Bait (S. P. 64) (L. D. 91) Tabled earlier in today's session by the Senator from Knox, Senator Collins pending the motion by the Senator from Aroostook, Senator Carpenter.

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

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

Senator Carpenter of Aroostook was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Shute of Waldo, the Senate voted to take from the Unassigned Table, Bill, "An Act to Revise the Public Drinking Law." (S. P. 66) (L. D. 93)

Tabled—April, 6, 1981 by Senator Shute of Waldo.

Pending—Passage to be Engrossed.

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

Senator SHUTE: Mr. President and Ladies and Gentlemen of the Senate, we have several public drinking laws this year. One of those went to the Legal Affairs Committee. During the wisdom, through the wisdom of the Legal Affairs Committee, we come out with a Committee Amendment for the Public Drinking Laws.

Since the Bill has been Tabled for the past month or so, I've had several complaints with the Committee Amendment. I guess mostly it was expunging the records of people that might be brought in on criminal offense, Class E crime.

Also, the sponsor of the Bill is not, I don't think, too happy with the Committee Amend-

ment.

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

Mr. PRESIDENT: I would move that the Rules be Suspended for Reconsideration.

On motion by Senator Shute of Waldo, the Senate voted to Suspend the Rules, for the purposes of Reconsideration.

On motion by Senator Shute of Waldo, the Senate voted to Reconsider its action whereby it Adopted Committee Amendment "A" to L. D. 93.

On motion by Senator Shute of Waldo, Committee Amendment "A" Indefinitely Postponed.

Which was Passed to be Engrossed.

Sent down for concurrence.

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