

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

INDEX

FIRST SPECIAL SESSION

AUGUST 3, 1981

INDEX

FIRST CONFIRMATION SESSION

AUGUST 28, 1981

INDEX

SECOND SPECIAL SESSION

SEPTEMBER 25, 1981

INDEX

THIRD SPECIAL SESSION

DECEMBER 9, 1981

INDEX

STATE OF MAINE
One Hundred and Tenth Legislature
First Regular Session
JOURNAL OF THE SENATE

May 27, 1981
Senate called to order by the President.

Prayer by the Honorable Charlotte Zahn Sewall of Newcastle.

SENATOR SEWALL: Lord, we thank You this morning for freedom, our freedom of religion, our freedom of speech, our freedom of assembly, and especially, for the freedom to succeed, and the freedom to fail. Amen.

Reading of the Journal of yesterday.

**Paper from the House
Non-concurrent Matter**

Bill, "An Act to Amend the Petroleum Liquids Transfer Vapor Recovery Law." (S.P. 602) (L.D. 1600)

In the Senate, May 21, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (S-259)

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-476), in non-concurrence.

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

Senator COLLINS: I move that the Senate Recede and Concur with the House.

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?
The motion prevailed.

**Communications
Committee on Labor**

May 26, 1981

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 110th Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Harold G. Loring for reappointment to serve on the Maine Employment Security Commission as the Labor Representative.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 110th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with following result:

Yeas:
Senators — 3
Representatives — 7

Nays:
Senators — 0
Representatives: — 0

Absent:
Senators — 0
Representatives — 3; Tuttle, Sanford, Hayden, Durham, Laverriere, Biddeford

Ten members of the Committee having voted in the affirmative, it was the vote of the Committee that the nomination of Harold G. Loring to the position as Labor Representative on the Maine Security Commission be confirmed.

Sincerely,
S/Charlotte Z. Sewall,
Senate Chairman
S/Edith S. Beaulieu,
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Labor has recommended that the nomination of Harold G. Loring be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Labor be overridden? In accordance with 3

M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 110th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?
The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEA—None.

NAY—Ault, Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Dutremble, Emerson, Hichens, Huber, Kerry, McBreaity, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Usher, Violette, Wood, The President J. Sewall.

ABSENT—Devoe, Gill, Redmond.

No Senators having voted in the affirmative and 30 Senators in the negative, with 3 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Harold G. Loring is confirmed.

**Committee on Health &
Institutional Services**

May 25, 1981

The Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine
Dear President Sewall:

The Committee on Health and Institutional Services is pleased to report that it has completed all business placed before it by the first regular session of the 110th Maine Legislature. Total Number of Bills Received in Committee — 69

Unanimous Reports — 52
Ought To Pass — 5
Ought To Pass As Amended — 14
Ought To Pass In New Draft — 2
Ought Not to Pass — 0
Leave to Withdraw — 29
Referred to another Committee — 2
Divided Reports — 17
Total Number of Amendments — 23
Total Number of New Drafts — 5
Committee Bill (Pursuant to Joint Order SP 600) — 1
Study Requests — 3

Sincerely yours,
S/Senator BARBARA A. GILL
Senate Chairman

Which was Read and Ordered Placed on File.

Committee on Business Legislation

The Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine 04333
Dear President Sewall:

The Committee on Business Legislation is pleased to report that it has completed all business placed before it by the First Regular Session of the 110th Legislature.

Total Number of bills received in Committee — 138
Unanimous Reports — 119
Ought to Pass — 11
Ought not to Pass — 5
Leave to Withdraw — 50
Ought to Pass as Amended — 44
Ought to Pass in New Draft — 9
Divided Reports — 18
Recommended — 1

Respectfully submitted,
S/ROLAND L. SUTTON
Senate Chairman

Which was Read and Ordered Placed on File.

ORDER

An Expression of Legislative Sentiment recognizing:

Stephanie Davis, of Brunswick, who captured the 1981 State Schoolgirl Tennis Championship on Saturday, May 23, 1981. (S. P. 641) presented by Senator CLARK of Cumberland (Cosponsors: Representative MARTIN of Brunswick and Representative LIVESAY of Brunswick). Which was Read and Passed.
Sent down for concurrence.

**Committee Report
Senate**

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill "An Act to Establish and Coordinate Training, Education and Employment Programs for Recipients of Aid to Families with Dependent Children." (S. P. 437) (L. D. 1278)

Reported that the same Ought to Pass in New Draft under Same Title. (S. P. 642) (L. D. 1662)

Signed:

Senators:

GILL of Cumberland
BUSTIN of Kennebec

Representatives:

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

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

Signed:

Senator:

HICHENS of York

Which Reports were Read.

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

Second Readers

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

House

Bill, "An Act to Establish an Emergency Radiological Response System." (H. P. 1518) (L. D. 1633)

Which was Read a Second Time.

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

Bill "An Act Promoting Alcoholism Prevention, Education, Treatment and Research." (H. P. 1540) (L. D. 1655)

Which was Read a Second Time.

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

Bill "An Act to Amend the Charter of the North Yarmouth Water District." (H. P. 1406) (L. D. 1571)

Bill "An Act to Provide for the Setoff Against Debts Owed to the State or Collectible by the State." (H. P. 1538) (L. D. 1650)

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

House — As Amended

Bill, "An Act to Amend the Laws Governing School Administrative Districts and Community School Districts." (H.P. 1514) (L.D. 1631)

Bill, "An Act Creating the North Berwick Water District." (Emergency) (H. P. 1407) (L. D. 1572)

Bill, "An Act to Amend the Special Education Statutes to Provide for the Computation of Board and Care and to Authorize Rate Approval by the Commissioner." (H.P. 268) (L.D. 302)

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

Bill, "An Act to Establish the Municipal Cost Components for Services to be Rendered in Fiscal Year 1981-82." (Emergency) (H. P. 1290) (L. D. 1484)

Which was Read a Second Time.

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

Senator PIERCE: Mr. President, I present Senate Amendment "A" under filing number S-290 and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, offers Senate Amendment "A" to LD 1484 and moves its adoption.

Senate Amendment "A" (S-290) Read and Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

Senate

Bill, "An Act to Authorize a Water District for the Town of Milbridge in Washington County." (S.P. 636) (L.D. 1651)

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

Sent down for concurrence.

Bill, "An Act to Encourage Small Power Production Facilities." (S.P. 638) (L.D. 1653)

Which was Read a Second Time.

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

Bill, "An Act to Restructure the Public Utilities Commission." (Emergency) (S.P. 637) (L.D. 1652)

Which was Read a Second Time.

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

Senate — As Amended

Bill, "An Act to Establish a Board of Prison Terms and Supervised Release." (S.P. 494) (L.D. 1429)

Which was Read a Second Time.

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

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following: AN ACT to Prevent Gear Conflicts. (H.P. 1191) (L.D. 1415)

AN ACT to Create a Bond Issue for Energy Conservation and Conversion for Small Business. (S.P. 489) (L.D. 1390)

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

Emergency

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

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

Orders of the Day

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

Bill, "An Act Relating to Veterans' Tax Exemptions." (S.P. 236) (L.D. 654)

Tabled—May 26, 1981 by Senator TEAGUE of Somerset

Pending—Passage to be Engrossed

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

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

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

Senator TEAGUE: Mr. President, I present Senate Amendment "A" with a filing number of S-288 and move its adoption, and will speak just briefly.

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

Senate Amendment "A" to Committee Amendment "A" (S-288) Read.

The PRESIDENT: The Senator has the floor.

Senator TEAGUE: Mr. President, this just adds the appropriation to the Bill. It was left out in the drafting and so forth. It has a cost of \$203,500 in the second year of the biennium.

Senate Amendment "A" to Committee Amendment "A" Adopted. Committee Amendment "A", as amended by Senate Amendment "A", Adopted.

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

Senator BROWN: Thank you, Mr. President. I'd like to pose a question, if I can, which was asked of me, which I wasn't sure of, relative to this Bill. It's my understanding that recently in the court system, superior court, it was ruled unconstitutional for the ten year requirement relative to this particular Bill.

The requirement of being a State resident, a Maine State resident, was kept, however. If the ten year requirement was unconstitutional, is there in fact the possibility that being a State resident, either prior to entering the service, or at the time of entering the service, also unconstitutional? Was that issue discussed at all relative to this Bill?

The PRESIDENT: The Senator from Washington, Senator Brown, has posed a question through the Chair.

The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: Mr. President and Senator Brown, in answer to your question, this Bill takes away the residency. Going back a little bit in December, the supreme court decision took away that a person had to be a resident of Maine for ten years before they can claim the veterans' exemption. This Bill will put this exemption \$6000 for World War I veterans, \$4000 for World War II, Korean and Vietnam veterans, back in place.

Why the cost is, is there will be no residency factor now because it was stricken out by the Supreme Court of Maine.

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

Senator CLARK: Thank you, Mr. President. I would pose an additional question to anyone on the Taxation Committee, who could perhaps answer a concern that was expressed in a letter that I received last week on LD 654.

This constituent asked, does the site at which my husband enlisted in the armed services affect the exemption? In other words, if a current resident of Maine who happens to be a widow, enjoyed a property tax exemption prior to the court decision, the simple fact that her husband enlisted in the service outside the State of Maine seems to have nullified her tax exemption that she enjoyed as a widow of a deceased veteran. Would that issue be addressed by passage of LD 654?

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

Senator TEAGUE: In answer to the Senator from Cumberland, Senator Clark, this Bill does address this situation in the second year of the biennium. If you will remember back a month or so ago, we put a special bill through that just took care of World War I veterans and disabled veterans for this year alone.

Your constituent will lose the exemption for this year, but then they will pick it up again the following year.

The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

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 Relating to Informed Consent and Determination of Best Interest for those Unable to Give Informed Consent for Sterilization." (H. P. 1543) (L. D. 1660)

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

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

Senator SUTTON: Mr. President, I don't guess it's going to do much good, but it really galls me, with six days left in this session, that we're trying to sneak legislation by the public, the voters and the citizens of the State of Maine.

Regardless of whether it's a law or not, it's the practice of the Legislature to notify the public at least, earlier in the Session, two weeks before a hearing, and certainly a week, to give them the opportunity to be heard.

Here we've got a Bill concerning sterilization with six days left. There's no way in the world the public is going to get an opportunity to come to this hearing and be prepared to debate it. I think it's a travesty.

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

Senator HICHENS: Mr. President, I ask for a Division. I would certainly agree with the good Senator who has just spoken. This Bill has been floating around all of this Session, while they were looking for a sponsor. Apparently they found a couple of sponsors. I think it's too late in the game. I think it would be very well to wait until next year in the Second Regular Session to consider this Bill, rather than do it in the last six days of our Legislative Session.

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

Senator CONLEY: Mr. President, I find it sort of hilarious this morning that the good Senator from York, Senator Hichens, would rise to oppose the introduction of a Bill, when it seemed yesterday morning, he was extremely concerned about the Maine Milk Commission and the effect that it is going to have on the people of this State.

Apparently, someone in State Government, apparently, feels that this particular measure dealing with the sterilization is important enough to have brought in at this late date. I assume it's brought in by the Department of Mental Health and Corrections.

As one member of the Judiciary Committee, I certainly don't look forward to having this Bill come to us. On the other hand, the Constitution does provide that the Executive Branch of government shall be entitled to submit legislation at any time.

I'm not going to comment on the Bill itself, but I obviously feel that we're going to be here for six days. I know that anyone who has been here in the past is fully aware of the fact that we'll be bouncing around here with about 18 hours on our hand, waiting for bills to be printed, or amendments to be printed, or engrossing to take place. It might be an item worthwhile to give us something to do.

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

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate, why don't you take a look at it, 1660, and see what you're going to be asked to perpetrate upon the public without them even knowing it's being done.

We may not have anything to do for the next six days, but it's certainly not going to give the public much opportunity to look at this little jewel of six or eight, nine pages. It's going to put a whole new act in on sterilization.

I think again, the public has got to have the opportunity to study these things and come to

the Legislature and discuss them. They certainly won't have that opportunity in the next six days.

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

Senator HICHENS: Mr. President, it's getting to be a habit to get up and respond to the good Senator from Cumberland, Senator Conley. I don't know that I even mentioned the possibility of a bill yesterday. I don't know what a bill is going to do to help.

I went to the Commission meeting yesterday. Whether the Governor wants to put in a bill or not, I don't know. I questioned yesterday as to whether the Legislature can overrule the court decision. My question went unanswered.

If it is a bill that has to be presented, it is an emergency bill, because it was a bill which was created by a judge's decision last Saturday.

This Bill before us, as I have mentioned before, has been floating around all Session. They've just been looking for sponsors. I don't think there's any emergency to it.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of referring LD 1660 to the Committee on Judiciary and Ordering it Printed, please rise in their place to be counted.

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

18 Senators having voted in the affirmative, and 12 Senators having voted in the negative, LD 1660 is referred to the Committee on Judiciary and Ordered Printed, in concurrence.

Sent forthwith.

(Off Record Remarks)

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

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

Tabled—May 26, 1981 by Senator CONLEY of Cumberland.

Pending—Enactment.

On motion by Senator Trafton of Androscoggin, Retabled until later in today's session.

The President laid before the Senate the third 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 26, 1981 by Senator COLLINS of Knox.

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

On motion by Senator Sewall of Lincoln, retabled until later in today's session.

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

Joint Order—Relative to the Committee on Audit and Program Review reporting out a bill (H.P. 1515)

Tabled—May 26, 1981 by Senator COLLINS of Knox.

Pending—Motion of Senator MINKOWSKY of Androscoggin to Reconsider.

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

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

RESOLVE, Authorizing the Governor, Acting on Behalf of the State, to Execute Certain Quitclaim Deeds. (S. P. 605) (L. D. 1604)

Tabled—May 26, 1981 by Senator COLLINS of Knox.

Pending—Final Passage.

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

(Off Record Remarks)

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

Senator CLARK: Mr. President, I request that Members of the Senate be granted Leave to remove their jackets for the remainder of today's session, and tomorrow's, and the next day's.

The PRESIDENT: The Senator from Cumberland, Senator Clark, now moves that the Senators be allowed to remove their jackets.

The Chair thanks the Senator.

Is this the pleasure of the Senate?

It is a vote.

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

Bill, "An Act to Provide a Referendum to Abolish County Government and Authorize Reassignment of its Functions and Duties to Appropriate State and Municipal Departments and Agencies." (H. P. 1040) (L. D. 1259)

Tabled—May 26, 1981 by Senator CHARTERETTE of Androscoggin.

Pending—Consideration.

On motion by Senator Pierce of Kennebec, Retabled until later in today's session.

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

Bill "An Act to Amend the Site Location of Development Law to Protect Ground Water." (S. P. 632) (L. D. 1467)

Tabled—May 26, 1981 by Senator COLLINS of Knox.

Pending—Passage to be Engrossed.

On motion by Senator Pierce of Kennebec, Retabled until later in today's session.

(Off Record Remarks)

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

Senator PRAY: Mr. President, a parliamentary inquiry?

The PRESIDENT: The Senator may state his inquiry.

Senator PRAY: What time will this afternoon's Session begin?

The PRESIDENT: The Chair will advise the Senator in due course.

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

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

Tabled—May 26, 1981 by Senator COLLINS of Knox.

Pending—Motion of Senator DEVOE of Penobscot to Indefinitely Postpone.

On motion by Senator Trotzky of Penobscot, Retabled until later in today's session.

On motion by Senator Pierce of Kennebec, the Senate voted to take from the Table a Bill, An Act to Restructure the Public Utilities Commission. (S. P. 637) (L. D. 1652), Tabled earlier in today's session, pending Passage to be Engrossed.

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

Senator PIERCE: Mr. President and Members of the Senate, we debated this item yesterday at some length. I guess several of you gathered I feel pretty strongly about this issue. I really feel that what the Committee is trying to do is on target as far as changing the dates at reasonable intervals. I didn't think it was at all reasonable to shorten these people's terms, no matter who they were.

Whether it was a question of personalities or not, it doesn't really matter to me. I would feel just as strongly no matter which one of the commissioners it was.

I would hope, by the Amendment that I'm going to offer, that the dates would remain the same, but the present Commissioners would be

allowed to fulfill whatever terms that they were given. They should have that expectation when they take office, that theirs is a term certain.

From that point on, after we fulfill our obligation to them. I do think we have a moral obligation to them. Then the law would be changed, as the Committee recommended.

Mr. President, I would present Senate Amendment "A" under filing number S-291 and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, offers Senate Amendment "A" to LD 1652 and moves its adoption.

Senate Amendment "A" (S-291) Read.

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

Senator TROTZKY: Mr. President and Members of the Senate, I hope the Senate would not Adopt Senate Amendment "A" as presented by Senator Pierce. We're talking about jobs here. I think the Senate ought to be aware of a few things. We have a Sunset Committee. We reduce the size of departments, and therefore, there's a loss of jobs.

Our Committee, Public Utilities, is coming out with a large bill to deregulate trucking. There are quite a few jobs in the Public Utilities Commission that may be coming to an end because of that.

President Reagan and the Republican Administration, cutting funds for the Office of Energy Resources, so there's going to be many jobs lost there, also.

When government acts, we hope we act in the best interest of the State. In the Public Utilities Committee, we felt unanimously that we were acting in the best interests of the State, by shortening the terms to six years, and starting the rotation immediately July 1, so that each Governor could choose two members of the Public Utilities Commission.

I hope the Senate would not adopt this Amendment.

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

Senator CONLEY: Mr. President, I pose a question through the Chair to any member of the Public Utilities Committee. I would ask if the present Bill would abolish the terms of all three members presently serving on the Commission?

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

Senator TROTZKY: Mr. President and Members of the Senate, the present Bill, would shorten Commissioner Smith's term by 12 months, shorten Commissioner Gelder's term by 10 months, and lengthen Commissioner Carigan's term by 4 months.

This was the simplest way we felt we could make the transition from 7 year term, to 6 year terms and make them rotate fairly evenly.

We had Peter Bradford, who is the former Commissioner of the PUC in the State of Maine, said that originally these 7 year terms were staggered so that every 2 1/3 years, a new Commissioner came up for reappointment, and somehow, over the many years got out of whack, and now all three Commissioners come up fairly closely.

Our feeling, though, is also not only to get the rotation evenly staggered, but also to shorten the term by one year. Most of the states do have 6 year terms. Maine's 7 year term for Commissioner is long in relationship to other states.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the Adoption of Senate Amendment "A" to LD 1652, please rise in their places until counted.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: I request the Yeas and Nays:

The PRESIDENT: A Roll Call has been re-

quested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

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

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, just for the record, I'd like it to be clearly known that I don't know any member personally that is presently serving as a Commissioner on the Public Utilities Commission.

In fact, I appeared before the Public Utilities Committee, earlier this Session in a workshop, to discuss a Bill that I had submitted, and Commissioner Carrigan, I believe her name is, was there and a few other people, and she began to comment on this particular Legislation. I said who is this young lady, and only to find out that it was Commissioner Carrigan.

The reason I want to point this out is, because I do honestly believe that the Public Utilities Joint Standing Committee has submitted to Legislature a Bill that is going to streamline, I think, and uniformly, the term of the Commissioners that will serve in the future. I don't personally believe that this Bill is aimed at, or directly at, any member presently serving on that Commission, and therefore, I would urge the Senate to defeat the Amendment before us.

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

Senator TRAFTON: Mr. President, and Men and Women of the Senate, I also would urge defeat of the pending Amendment, and would point out that the Joint Standing Committee on Public Utilities dealt with a number of issues which effected jobs. Although we're very sensitive to that issue, and certainly are in no way interested in eliminating jobs or making it necessary for people to relocate into other jobs, sometimes in the best interests of streamlining state government, making state government more effective, it becomes necessary to do this.

We will be having several other bills before you later in this Session, which do this also, which in some way either terminate jobs or make transfers necessary, such as the bill which deregulates trucking, which moved a number of people from their current positions in the Public Utilities Commission over to the Bureau of Public Safety, and in fact, terminates some jobs.

The Sunset Review Act that we passed several years ago is another example of the same situation, where sometimes jobs must be terminated, because of the overall purpose and goal of trying to streamline state government.

Again, I would emphasize that all three of the terms are effected in some way. This is certainly not a Bill to get any one Commissioner, and in fact, the Bill allows the option for the governor to reappoint any of those commissioners for a succeeding term. So, then again, this doesn't mean that any one commissioner will not be serving just because his or her term comes up for reappointment at an earlier point.

So, I would hope you would Indefinitely Postpone the pending Amendment before us, and enable us to put this system into effect now rather than wait until almost 1990 before we can begin to have a very orderly process for appointing Public Utilities Commissioners.

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

Senator PIERCE: Mr. President, I note that the members of the Committee talked about deregulation of trucking and other issues, clearly to cloud the issue that's at hand here.

Whether or not this is to get Lincoln Smith or not, who knows, but there is going to be a strong perception on the part of many people that it is to get Lincoln Smith. There's going to

be a strong perception that this is a move to manipulate the upcoming referendum, and to manipulate public perception of it.

I think it's wrong for us to put these people out of office. If the Committee's main intention, as they say it is, is to just stabilize these terms, the Amendment doesn't change that. It allows the terms to be staggered as they wanted them to be, but it also keeps the moral commitment that this state made to those people when they gave them those jobs and asked them to take them. It lets them finish out their terms.

I think that's right from everybody's perception. I think there's a sense of fairness involved here in how we're going to handle this.

So, if we do want to manipulate the referendum, if we do want to throw out Lincoln Smith, if there are personalities involved, let's be up front about it, and let's say it. Let's not talk about trucking deregulation in this Bill.

The PRESIDENT: The pending question before the Senate is Adoption of Senate Amendment "A", to LD 1652.

A Yes vote will be in favor of Adoption of Senate Amendment "A".

A No vote will be opposed.

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

ROLL CALL

YEA—Ault, Emerson, Hichens, Minkowsky, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague.

NAY—Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Dutremble, Huber, Kerry, McBreairsty, Najarian, O'Leary, Pray, Trafton, Trotzky, Usher, Violette, Wood.

ABSENT—Devroe, Gill.

Senator McBreairsty of Aroostook was granted permission to change his vote from Nay to Yea.

A Roll Call was had.

12 Senators having voted in the affirmative, and 18 Senators in the negative, with 2 Senators being absent, Senate Amendment "A" Failed of Adoption.

The Bill, Passed to be Engrossed.
Sent down for Concurrence.

On motion by Senator Pierce of Kennebec, Recessed until 3:30 o'clock this afternoon.

Recess

After Recess

The Senate called to order by the President.

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

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:

The Maine Mariners' Hockey team and coach Bob McCommon, for an outstanding season, winning the Northern Division of the American Hockey League. (H. P. 1546)

Eloise Larlee, daughter of Mr. and Mrs. Bernard Larlee, of East Millinocket, Valedictorian of Schenck High School, class of 1981. (H.P. 1552)

Deborah Belanger daughter of Mr. and Mrs. James Belanger, of East Millinocket, Salutatorian of Schenck High School, class of 1981. (H.P. 1553)

Louise McAdam, of Limerick, who is retiring after teaching elementary education for 30 years, including the last 22 years in Limerick. (H.P. 1554)

Mr. and Mrs. Henry Law, of Brewer, for their many years of dedicated service to the American Legion and American Legion Auxil-

iary. (H.P. 1556)

Lieutenant Andrew J. Grant, of Houlton, 1981 graduate of the U.S. Air Force Academy. (H.P. 1560)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Communication Committee on Labor

May 27, 1981

The Honorable Joseph Sewall

President of the Senate

State House

Augusta, Maine

Dear President Sewall:

The Committee on Labor is pleased to report that it has completed all business placed before it by the first regular session of the 110th Legislature.

Total number of bills received — 121

Unanimous reports — 81

Leave to Withdraw — 42

Ought Not to Pass — 2

Ought to Pass — 10

Ought to Pass as Amended — 26

Ought to Pass in New Draft — 1

Divided reports — 39

Referred to Judiciary — 1

Respectfully submitted,
S/CHARLOTTE Z. SEWALL
Senate Chairman

Which was Read and Ordered Placed on File.

Committee Reports House Ought to Pass

The Committee on Local and County Taxes and Authorizing Expenditures of York County Government on, RESOLVE, for Laying of the County for the Year 1981. (Emergency) (H.P. 1548) (L.D. 1661)

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

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

Which Report was Read and Accepted, in concurrence. The Resolve Read Once. Under Suspension of the Rules, the Resolve Read a Second time, and Passed to be Engrossed, in concurrence.

Senator Sutton of Oxford was granted unanimous consent to address the Senate, On the Record.

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate, we have been receiving daily reports of our committees as they finish their work, and we look at them probably very briefly.

We just passed by one, in the same manner we have all of them and there's probably no reason we shouldn't, except that the Labor Committee has been rather an interesting group this year, as it usually is, but I think this year more so than ever. I would think that it would be well, if we just took a look at the report for just a second, because as much grief as the Labor Committee has taken this year from all of our colleagues, as well as the press, there were 81 unanimous reports that came out of the Committee on Labor, out of 121.

So, the Committee on the Labor hasn't been fighting. All the press hears is the areas that are not in agreement as far as a management and labor are concerned.

I just thought it would be interesting, and I think that it should be drawn to the attention of, all of our colleagues, as well as others, that the Labor Committee has been working very hard and has been working in harmony more than they have been working otherwise.

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act to Establish Rights for Residents of Nursing, Boarding and Foster Homes. (H.P. 1230) (L.D.

1455)

Reported that the same Ought to Pass in New Draft under Same Title. (H.P. 1545) (L.D. 1659)

Signed:

Senators:

GILL of Cumberland
BUSTIN of Kennebec

Representatives:

PRESCOTT of Hampden
BROUDEUR 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

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

Which Reports were Read.

The Majority Ought to Pass, in New Draft, Report of the Committee Accepted, in concurrence. The Bill, in New Draft, Read Once. Under Suspension of the Rules, the Bill, in New Draft, Read a Second Time, and Passed to be Engrossed, in concurrence.

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

Order

An Expression of Legislative Sentiment recognizing:

Robert R. Masterton of Cape Elizabeth, President of Maine Savings Bank, who was installed as Chairman of the National Association of Mutual Savings Bank. (S.P. 643) presented to Senator CLARK of Cumberland (Cosponsors: Senator PIERCE of Kennebec, Senator GILL of Cumberland and Representative MASTERTON of Cape Elizabeth).

Which was Read and Passed.

Sent down for concurrence.

Enactors

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

AN ACT Making Appropriations from the General Fund for Operations of the Seed Potato Board. (S.P. 517) (L.D. 1439)

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

AN ACT to Provide Sales Tax Exempt Status for Nonprofit Family Crisis Service Agencies. (H.P. 1113) (L.D. 1318)

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

AN ACT Concerning Utility Deposits. (S.P. 422) (L.D. 1243)

AN ACT Relating to Permits and Inspection for Electrical Installation in Commercial Buildings under the Electrician Law. (H.P. 1531) (L.D. 1643)

AN ACT to Amend the Hazardous Waste Statute to Meet Certain Requirements for Delegation of the Federal Program and to Provide Internal Consistency. (H.P. 1527) (L.D. 1640)

AN ACT to Amend the Law Relating to Foreclosure Proceedings by Civil Action. (H.P. 773) (L.D. 918)

AN ACT to Specify the Exemptions which will Apply in Bankruptcy Cases. (H.P. 1530) (L.D. 1642)

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 Require Smoke Detectors in All Multiapartment Dwellings and New Single-Family Residences. (H.P. 1409) (L.D. 1573)

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

Senator SUTTON: Thank you, Mr. President. The other day, as we were discussing this Bill, one of the questions that I had was the actual legal liability of an apartment owner once he has placed the smoke detector in place. We didn't get an answer then, and I haven't heard any answers forthcoming since then.

It's a very well intentioned Bill, but I really question how it's going to be enforced. All I can foresee are a multiplicity of problems that are going to arise from it, and I would ask that we have a Division on the Enactment, Mr. President.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Enactment of L. D. 1573, please rise in their places to be counted.

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

15 Senators having voted in the affirmative and 11 Senators having voted in the negative, the Bill was Passed to be Enacted.

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

Senator CONLEY: Mr. President, having voted on the prevailing side, I move Reconsideration and urge the Senate to vote against me.

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 L. D. 1573 was Passed to be Enacted.

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.

The Bill, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

AN ACT Relating to Compensatory Telecommunication Toll Call Rates for Deaf and Hearing Impaired Persons. (S. P. 191) (L. D. 492)

Emergency

AN ACT to Clarify Certain Provisions of the Marine Resources Laws. (H. P. 1532) (L. D. 1644)

Emergency

AN ACT to Establish the Procedure for Payment for Attorneys' Fees Awards Against the State. (H. P. 1251) (L. D. 1475)

These being emergency measures and having received the affirmative votes of 28 Members of the Senate, with No Senators having voted in the negative, were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

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

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

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

Recess**After Recess**

The 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
Non-concurrent Matter**

Bill, "An Act to Revise the Public Drinking Law." (S. P. 66) (L. D. 93)

In the Senate May 20, 1981, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as amended by House Amendment "D" (H-481), in non-concurrence.

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

Non-concurrent Matter

Bill "An Act Authorizing and Directing the Bureau of Mental Health to Enhance and Protect the Rights of Recipients of Mental Health Services." (H. P. 912) (L. D. 1078)

(Recalled from the Governor pursuant to Joint Order (H. P. 1547)

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" (H-339) as amended by House Amendment "A" (H-487) thereto, in non-concurrence.

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

Senator GILL: Mr. President, Members of the Senate, I'd just like to clarify, that this was recalled because it needed a technical amendment that was picked up in the Governor's office, and we are attempting to put it on at this point.

I would just ask that we Recede and Concur with the House.

The PRESIDENT: The Senator from Cumberland, Senator Gill, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The motion prevailed.

**Committee Report
House****Committee of Conference Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Establish a Consolidated Map of the State" (H. P. 1158) (L. D. 1379) have had the same under consideration, and ask leave to report:

That the House recede from Passage to be Engrossed as amended by Committee Amendment "A" (H-373); indefinitely postpone Committee Amendment "A" (H-373); read and adopted Committee of Conference Amendment "A" (H-482) attached herewith and pass the bill to be engrossed as amended by Committee of Conference Amendment "A" (H-482) in non-concurrence.

That the Senate recede from indefinite postponement; indefinitely postpone Committee amendment "A" (H-373); read and adopt Committee of Conference Amendment "A" (H-482) and pass the bill to be engrossed as amended by Committee of Conference Amendment "A" (H-482) in concurrence.

On the Part of the House: CARTER of Winslow
FOWLE of Rockland
BELL of Paris

On the Part of the Senate:

AULT of Kennebec
HUBER of Cumberland
PRAY of Penobscot

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee of Conference Amendment "A" (H-482), in non-concurrence.

Which Report was Read.

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

Senator CONLEY: Mr. President, I'd pose a question through the Chair if I may to any member of the Committee of Conference to exactly how these maps are to be handled.

The PRESIDENT: The Senator from Cum-

berland, Senator Conley, has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President, Members of the Senate, on brief reading of the proposed amendment, although I wish the Senator from Kennebec, Senator Ault, was here. He is here.

I believe the amendment reads that \$100,000 would be provided from the Highway Fund to publish one million copies of the State map. These will be sold for 25¢ per map, 20¢ to accrue to the Highway Fund, for a net profit to the Highway Fund of \$100,000.

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

Senator CONLEY: Mr. President, Members of the Senate, I loved to hear all about the free enterprise system, but this is the newest catch all that I've seen up to date.

I went on an excursion last year and got lost somewhere between Providence and New York, and I was heading for Portland. I don't know how that happened, but en route anyway I obviously thought it was time to get a map.

Unlike Maine, you don't go to your nearest Legislator or Department of Transportation and ask for a map. You go to the nearest gas station. I went to the gas station, and I thought I'd just go in and the guy would flip out a shell map, or an Exxon, or some other oil company, and be kind enough to give me one. I say can I have a map please, and he says sure, right outside the door. Help yourself. I went outside and sure enough there was this nice little machine attached to the wall, and it said, please deposit 75¢. Well, it just goes to show that it's much cheaper living in Maine.

If we can afford to give these things away after having them printed in Rhode Island, because of the bid process, if we can afford to give them away for 25¢ apiece, I hope we all sleep well tonight.

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

Senator HUBER: Mr. President and Members of the Senate: I don't pretend to be a great proponent of this marvelous piece of Legislation.

It would be self funding. It would be profitable, I believe, to the State as proposed in the Amendment, and when it appears as Legislation, I'd be willing to offer an Amendment that should maps be offered Legislators, that they do in fact, be charged 75¢ per map.

The PRESIDENT: The Chair apologizes to the Senator for confusing him with the other Senator from Cumberland.

Is the Senate ready for the question.

Which Report was Accepted, in concurrence.

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

**Communication
Senate Chamber
President's Office**

May 27, 1981

Honorable Howard M. Trotzky
Honorable Laurence E. Connolly, Jr.
Chairmen, Joint Standing
Committee on Education
State House
Augusta, ME

Please be advised that Governor Joseph E. Brennan is nominating Richard I. Morin of St. Agatha for reappointment to the Board of Trustees for the University of Maine.

Pursuant to 20 MRSA Section 2251, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely
S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN
Speaker of the House
(S. P. 644)

Which was Read and referred to the Committee on Education.

Sent down for concurrence.

The PRESIDENT: The Chair will appoint as conferees on the part of the Senate, on Bill, "An Act to Add a Class Size Adjustment to the School Finance Act." (H. P. 1176) (L. D. 1400) Senators:

PIERCE of Kennebec
TROTZKY of Penobscot
MINKOWSKY of Androscoggin

The PRESIDENT: The Chair will appoint as conferees on the part of the Senate, on Bill, "An Act to Undedicate the Funds Received from Public Reserved Lands." (S. P. 92) (L. D. 208) Senators:

McBREAIRTY of Aroostook
REDMOND of Somerset
O'LEARY of Oxford

Orders of the Day

The President laid before the Senate:

Bill, "An Act to Establish an Emergency Radiological Response System." (H. P. 1518) (L. D. 1633)

Tabled—Earlier in the Day by Senator COLINS, of Knox.

Pending—Passage to be Engrossed.

Which was Passed to be Engrossed, in concurrence.

The President laid before the Senate:

Bill, "An Act Promoting Alcoholism Prevention, Education, Treatment and Research." (H. P. 1540) (L. D. 1655)

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

Pending—Passage to be Engrossed.

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

Senator PRAY: Mr. President, I offer Senate Amendment "C" under filing number S-296 and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Pray, offers Senate Amendment "C" to L. D. 1655 and moves its adoption.

Senate Amendment "C" (S-296) Read.

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

Senator TEAGUE: Mr. President, I move the Indefinite Postponement of Senate Amendment "C".

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

Senator PRAY: Mr. President and Members of the Senate: This amendment has been well talked about over the last day and a half. It's the one that establishes the existing accounting system that's being used on the tax on alcohol, that a premium charge would be placed upon that to fund the alcohol program that is talked about in this Bill.

I believe that it would be easier to administer and would ask for a Division on the motion.

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

Senator TEAGUE: I ask Leave of the Senate to Withdraw my motion to Indefinitely Postpone.

The PRESIDENT: The Senator from Somerset, Senator Teague, requests Leave of the Senate to Withdraw his motion to Indefinitely Postpone this Amendment.

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

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I ask for a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President and Members of the Senate, I would urge you to vote against this Amendment.

I think this Bill, in its present form, is perfectly all right. If there's a problem with the accounting system, I think that that can be corrected in many other ways.

I think that this Bill has been a bipartisan effort. It was a near unanimous Report from the Committee on Taxation. It's an effort by a lot of people to finally solve, or begin to solve, one of the biggest problems facing us in this State and in this country, the problem of alcoholism.

I find no redeeming quality to the Amendment being offered by the Senator, although he has many redeeming qualities, I find no redeeming qualities in this Amendment, and would urge you not to vote for it.

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

Senator PRAY: Thank you Mr. President. Mr. President, I'd like to pose a question through the Chair to the previous speaker.

If he feels as if there's any problems with the accounting system of collecting the premium as it is in the LD now, in the New Draft, 1655, he said if there was problems, we could take care of that otherwise. How would he foresee us taking care of it, except through an Amendment? Since this is the existing stage that we're in at this time, I see no proposals coming forth.

In reference to the comments and concerns about alcoholism and the prevention, and the treatment, and the education, and so forth, of the matter, I think all of us here share the concerns that he expressed, and that we, the amendment itself does not affect the program, it affects the funding and how the money will be raised to finance that program.

As a matter of fact, this Amendment through the speculation as to what it will raise, will raise a minor, a very minor, small amount, a little bit more than what the LD now calls for. So, that to me, the funding of the program and the concern of the Bill itself, and what it will take care of is immaterial to the Amendment.

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

Senator WOOD: Mr. President, Members of the Senate, in response to the question, although I do not see any administrative problems, I'm sure that if they occurred that they could be handled administratively.

I see no problems with the bookkeeping system of this Bill, and therefore, did not see that this Amendment was necessary.

I do agree that all sides on this issue, those against the current Bill and those for the Amendment, all agree that alcoholism is a problem that should be dealt with in this Session. I think that the key to this proposal, present proposal, without the Amendment is that there is a connection between the number of ounces consumed and a direct relationship to alcoholism. I think it has an important concept to get across to the general public, and that's why I'm supportive of this Bill.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I pose a question through the chair and ask some member of the Committee as to why this hasn't been made retroactive to the first tax that was placed on the sale of alcohol?

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

The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: I really don't understand the question, but I mean, I just say to the good Senator that there is a tax on alcohol.

This is an entirely new concept. It is a premium. It is one cent per ounce of liquor.

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

Senator CONLEY: Mr. President, I understand a one cent premium is not a one cent tax. It would be a one cent tax if it was spelled T.A.X. If it is pronounced premium, it is not a tax. It's nice to be able to learn that on the Floor of the Maine Senate and other places within the State House.

Mr. President and Members of the Senate, I appreciate all the work that has been put in on this Legislation. I honestly believe that all members of the Joint Standing Committee on Taxation have spent long hours, not only has the Joint Standing Committee on Taxation, but many other interested parties in the Legislature, and outside of the Legislature have contributed to this Bill.

I am speaking as the Democratic Senator from District 9, and not as a Democratic Floor Leader, and I have some real problems. I agree with the good Senator from York, Senator Wood, that we have a very, very serious problem of alcoholism, not only in the State of Maine, but throughout the world.

My memory goes back several years, many years in fact, perhaps even before the good Senator from York, Senator Wood, was brought on to the face of the Earth if he dates back earlier than 1941, when a feller by the name of Jack Alexander wrote a column in the Saturday Evening Post in those days, with respect to 2 guys, one named Bill Wilson, and another one Dr. Bob.

These 2 gentlemen were alcoholics who formed what is now known as that world wide organization known as Alcoholics Anonymous. These 2 gentlemen, without the assistance of the dime, and history will show that John D. Rockefeller called them into the board room of Ford Motors to congratulate them as 2 individuals for starting an organization that was going to bring problems, or people with the problems of alcoholism under arrest.

The 2 of them started off to help one another overcome this problem, and he said do you know there's nobody on the face of the Earth that can do this better than what you people have started. It's a grass roots thing starting with the 2 of you, and it is spreading.

There is no one here that knows today that Alcoholics Anonymous is all over this world and thriving. I don't know of anybody here that takes the occasion or the opportunity to visit some of the groups that we have around in Maine, but AA in Maine has done just a superb job. It is growing by leaps and bounds. We have young children today 14, 15, 16 years of age, some who have the problem, some who's parents they come into what they call "Alateen," or "Alanon" for one member or the other of the family, in the adult case for example Alanon serves the non-alcoholic parent. Alateen serves the kids who have a mother or a father who has an alcoholic problem.

There's tremendous concern, tremendous concern out there. You know, John D. Rockefeller, at the time, said, you know you fellas may have thought that I invited you up here to extend you some of the wealth that John D. Rockefeller has been able to accrue over the years. He said, if I gave you one dollar, one dollar, your program would fail miserably.

They learned a lesson from that. So, they became self-supporting themselves through their own contributions. And, as I say, they have thrived because they have something in common together.

Now, it's easy to get up here today and bring in legislation and say we're going to do something to help alcoholics. We're going to do something to educate, to rehabilitate, to put people back into society where they rightfully belong.

As a member of this Body several years ago, I sponsored an act which was the Uniform Alcoholic Treatment Act, that decriminalized public intoxication as a crime. This State

stepped into the 20th Century, and we recognized for the first time that alcoholics in this State were suffering from a disease, that the State put its label on the line, that no longer are they a bunch of drunks, or they're a bunch of second hand citizens, second class citizens, we've got to look at this problem and do something about it, and do something serious about it.

My whole problem with this Bill before us today, a lot of people behind this, are the professional people who are concerned about employment, not concerned directly with those who are suffering from the disease of alcoholism.

When I look, and I see what the General Fund is appropriating, currently, in 1982, \$3.6 million, 1983 \$3.6 million, and I'm not saying that that necessarily is enough dollars, but I'm saying that at least let's come up front. Let's stop the gimmickry financing, and let's say that we think that we should be funding alcoholism services here under this Bill, Education, Mental Health and Corrections and ODAP or the Commissioner of Human Services. Let's come up front to say from the General Fund shall be appropriated 'X' number of dollars, and let's not play the game of premiums, or taxes, or whatever the case may be. Let's meet it head on.

Somebody doesn't think we're doing much. The General Fund is given 1.5 million for '82; 1.5 million for '83, and through that the mixture of Title 20 we get 1.7 in '82; 1.7 in '83.

The Department of Education establishes \$100,000 for the biennium. In Formula Grants from the federal dollars we get \$304,000 in '82; \$304,000 again in '83. Public Safety Grants another \$240,000 for the biennium, and in local dollars, and I might say the City of Portland, \$92,000, which is again matched up with Title 20.

If you look, and we pass this Bill, and say it brings in \$7 million, I ask you, what is going to happen to the \$3 million presently in the General Fund? Do you believe that that \$3 million is going to stay in ODAP? I don't believe so. I think it's going to be de-appropriated as quickly as this Bill is passed, and is going to go back into the General Fund.

I'm saying if you want to pass this Bill and do it the right way, then I say let's just go right to the General Fund itself.

We take in \$60 million approximately from the sale of alcoholic beverages in taxes, and sales through the State liquor stores. \$60 million. We're talking something about \$6 or \$7 million. Is that too much to ask to take from the General Fund to finance this Bill? I ask you that.

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 I have never believed in doing is when the votes are cast taking an awful lot of people's time to debate. This obviously has been the best monitored Bill of the Session. If there is any Senator here who has not been monitored and advised on it, let him rise out of his seat to the ceiling.

Alcoholism is a very emotional subject, so there is really no need to delve into all the personal cases that you could there either.

The good Senator from Cumberland talks about the professionals who are concerned here, who are lobbying the Bill, because it is their job. To some extent I suppose that is true. Although I do not know of another field where I have seen quite as much zeal or personal dedication to their jobs. If it is the case that all that they are interested in is their job, I would kind of doubt it. I would think that most of them are interested in far, far more than that.

The alcoholism problem is such a major one in this State, and this country, and it is growing so rapidly and touches so many other problems that we deal with in the Legislature, that I

think, it is important that we do something this session. I think that it is important to point out that this is a whole new concept. This is not just another bill.

We deal with a lot of alcoholism prevention, treatment, research type bills, at least since I have been here we have. This, is the first time, that we have dealt with one something like this.

When you talk about the usual alcohol bill, and you look back at how our alcohol fees, premiums, taxes, whatever else you want to call them, have been put on there is really no logic to them. Some would say that the people who drink beer would say that they pay an unfair share, and others would say that those who drink hard liquor pay an unfair share, but they have been put on over the years, and raised and lowered haphazardly with no logic.

This is, perhaps, what some people are missing here, this is the first time when there is a logical approach. The more alcohol content there is, the more you consume, the more you would pay.

I think that it is reasonably fair for those who put themselves at risk the most, those who are more apt to have a need from the State to pay the most. I do not think that most of them would object to doing that. I think that it is a logical straightforward, new concept. I also believe that it would probably put the State of Maine in leadership in this and I think that you will see a lot of other states follow our lead.

I feel very comfortable with it, and I hope that you will join the Senator from York, Senator Wood, in defeating this proposed Amendment.

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

Senator WOOD: Mr. President and Members of the Senate: I do not want to belabor this argument, but I feel compelled to respond to some of the comments made by the gentleman from Portland, Senator Conley.

I would point out, and Senator Pierce has covered this, that this is a premium, much like the premium that you pay on your insurance policy, if you drink you run the risk of having a problem down the road, and this is an insurance policy. It is not a tax, it is a premium concept.

It is interesting to note, that New Hampshire, is also considering such a measure, for those of you that are worried, that the price of liquor is going to be at an unfair disadvantage with New Hampshire, rest assured that New Hampshire is at this point favorably acting on this measure.

The second argument that the good gentleman raised, was General Fund versus Dedicated Revenue. The argument being why don't we go to General Fund and be up front about it? I do not think that that is being up front. I think that that is being pollyanna-ish. There isn't the money in the General Fund to do, to solve the problem, to simply say go to the General Fund is misleading a lot of sick people out there, into thinking that their problem will be solved.

We have many dedicated funds, and they are related to the problems that they caused. The Oil Spill Fund is related to the problems that oil spills cause. We have when we passed the Bottle Bill that was related to the problem. There was the hue and cry, why don't you go to the General Fund and do a lot more with litter control? The problem was the containers. We went to the problem. It is the same with alcohol. So it is not a new concept.

I would also point out that when we proposed going to the General Fund for Highway, the good gentleman from Portland along with other people said, don't go to the General Fund for that, because some of our favorite programs might go down the tube. So that dedicated fund is alright then. He didn't want to go to the General Fund to aid cities, instead we were going to have a 2 percent sales tax on meals. So I think that the argument can cut both ways, and I would urge that this dedicated

concept is one that I certainly can buy.

The argument was made that AA is a good program and that they can get along without any assistance, and I would agree with that. I think that anyone who has been to a meeting with AA realized the good programs that they do.

Many of the people that were there when we held this hearing were members of AA, and they told us that they would be supportive of this, but because it is Alcoholics Anonymous they could not give an official endorsement, and they were somewhat charged that they could not, but they were supportive of it.

Finally, the argument was made that this will only benefit the professionals. The people that I heard at the hearing, the people that have called me on the phone, the people that I have been involved with, are far from professionals. They are people with the problem and they want some help and they are looking to us for that help, and I would hope that we can provide it to them today.

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

Senator BUSTIN: I don't want to belabor the issue either, and I do want to say something, seeing that I am one of the co-sponsors of this Bill, with the other good Senator from Kennebec, Senator Pierce.

The first thing I want to say is thank you all for all of the participation that you have had in this Bill, for your support of funding alcoholism. I think that if there is anything that is more important that has come out of these discussions, in these Halls, and on these Floors, it is the fact that everybody, almost to a man and woman, agree, that alcoholism is a problem. I want to make that point abundantly clear.

Secondly, I want to reiterate some of the points that other people have made, simply because I feel so strongly about them. Alcohol does cause alcoholism. I can't think of any other product that you can relate it that directly to. Everybody seems to agree with that. What they do not agree with is how we are going to fund it.

It is interesting to me, that the industry came up voluntarily with an amendment to raise their own tax. When in history have you ever heard of the liquor industry coming up with a raise in their own tax? I have never heard of it. They must be really worried about this particular principle.

That principle is that if you drink an ounce of pure alcohol, you ought to have to pay a premium on that ounce. If I choose to drink only an ounce, my premium is small. If you choose to drink a great amount, your premium is greater. The reason for that being, that the well established principle is that the more you drink the more you put yourself at risk.

There is another very important point, the earlier that you drink, the more you are at risk. You are more likely to become an alcoholic if you begin drinking earlier. I do not think that I have to make the point to any of us here, especially us who are parents of teenagers, who have gone through that very horrendous experience of raising teenagers, that alcohol is not a problem for them. People are drinking younger and younger. The problem is going to be with us in spades, in future years. What this funding mechanism is trying to do is establish that principle. The more you drink, the more you put yourself at risk. The alcohol you consume, the more premium you should have to pay and it should not come out of the General Fund.

I would not even begin to dare to defy the people who know more about the appropriations process than I do.

What I look at this as, is that we have a funding mechanism for taxing tobacco. For whatever historical reasons, we did that, it has been done, and it was done to fund other programs. Other welfare programs, other, maybe even roads and bridges, although that is another dedicated, highway, probably up to this time. For

whatever reasons that has been, it has been historically not tied to the fact that alcohol causes alcoholism.

What this Bill does and what Amendment "A" does is or Committee Report "A" does, is tie the fact, and start a new funding mechanism specifically for funding the treatment of alcohol.

The AA argument that Senator Wood has addressed, I want to also add to that that the Alcoholism program does in fact send people to the AA. It is a companion program with all of these alcoholism programs. The reason that we are looking at this particular Bill, is because the funding for the alcoholism programs is going down the drain on the federal level. So as a responsible State, as a responsible Senator I am trying to fund it in the most responsible way that I can.

They have already referred to the employment, that the reason that this Bill is submitted is because the people who run the alcohol programs are afraid of their jobs. I tend to think that that is a little bit ludicrous. I mean, am I afraid of my job, because I do not do it right, or because the federal government is paying me, because I am a field rep. for Senator Mitchell? Everybody has a job and everybody gets paid for some reason or other. These people are doing their jobs, and they are doing their jobs to make sure that alcoholism is funded because they recognize it as a problem. They are in fact, getting paid for doing the right thing.

I might, well I see, that he isn't here, but Senator Huber might be able to answer Senator Conley's comments about whether appropriations would attempt to de-appropriate the \$3.6 million each year from the Part I Budget. I can't answer that. I do not know if anybody here can. I hope that that would not happen. That was not the intention of this legislation.

The intention is to set up a funding mechanism to carry us through the years when we are going to need it.

I ask for a Roll Call when the vote is taken.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, Members of the Senate, I listened to the debate very attentively and I'm in full concurrence, that we should have the program, number one. It's a little bewildering to hear all the different figures being projected here this afternoon, up to \$7 million.

Now if Senator Bustin of Kennebec is correct, that this is a self-sustaining program of \$2,094,000 in 1981-82, and \$2,793,000 in 1982-83 as written on the revised L. D. 1655, and I would assume in addition to what federal block grants would become available when they are finalized in Washington, then can somebody clarify, was the intent of this Legislation to delete the \$3 million in the Part I Budget entirely and work upon the dedicated revenues as being outlined in the re-draft in addition to the federal funds?

I think what I am getting at basically is, would you give me a specific figure that you're going to need to fund this particular program to get it on the road?

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

Senator PRAY: Mr. President, a parliamentary inquiry, are we debating the Adoption of Senate Amendment "C" or the Bill?

The PRESIDENT: The Chair would assume that we are debating the Adoption of Senate Amendment "C".

Is the Senate ready for the question?

The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you, Mr. President. I too have listened with a great deal of interest to the debate that has taken place this afternoon, and there's one concern that bothers me relative to the direction that the debate has

taken.

We have tied directly the amount of alcohol consumed to becoming an alcoholic and I have some reservations about this. Whether we're talking about smoking, the major personality, all the major personality theorists have tried to explain why people smoke. It is a whole complex series of personality traits that causes individuals to smoke.

It is also, a whole series of complex traits that causes individuals to drink. I am concerned about whether or not it's fallacy, or whether or not it's truth, about the amount consumed, the ounces consumed, in terms of producing an alcoholic. I have some doubts about that. There's lots of reasons as to why a person becomes an alcoholic.

I'm not at all concerned that those who purchase liquor should, also, be the ones that pay for the rehabilitation of alcoholics. I'm just concerned at this point as to whether or not we've assumed a falsehood, and whether or not alcohol in itself is what produces an alcoholic, or whether there's a lot of other complex personality traits that do that.

The good Senator Wood from York mentioned earlier about the litter problem, and the fact that, I just want to point out the litter problem also was related in some way to the amount that people eat. It seemed to me that it's indirectly related to that, just like the drinking is indirectly related, also.

Some of us might become an alcoholic with a very minimal amount of alcohol consumed over whatever period of time, but there is a dependency factor that enters into that. If someone can address this further, I have some concern about this whether or not it's fallacy to assume that liquor, that rather alcohol content is what, in fact, produces alcoholics.

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

Senator TEAGUE: In answer to the good Senator from Penobscot, Senator Pray's question, I mean, his amendment just changes the funding mechanism in the Bill. The Bill itself funds the program at one cent per liquid ounce, and in his amendment changes it so that it is going to be an across the board 10 percent increase, and this is what we are supposed to be debating today.

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

Senator BUSTIN: Mr. President, Members of the Senate: I'd like to respond to the good Senator from Androscoggin, Senator Minkowsky.

I can't give you specific figures. That is not my bent but, I can tell you that the present alcoholism program is a \$6 million program and that is not adequate to fund, what they need to fund.

Another question that had been asked is how successful have these alcoholism programs been? I can't speak for AA, because I don't have figures on that, but I did ask the question of the programs and these are the answers that I got.

Under residential housing for the alcoholics, with 400 per year, 22 percent of which were women, followed for a 2 year span, 75 percent successfully completed and are no longer, well they are always alcoholics, but are no longer responding to the disease.

New Directions, which is a women's program in Augusta, in which I, by the way, am one of the directors of the board, in 2 years served 412 people. They put out a survey every week to get responses from those people as to how the program is working for them, and they ask them in three different categories. Has their productivity increased? Has their sobriety increased? And is their emotional level better?

Eighty percent responded they had had significant positive increases in all of those areas.

Five treatment facilities were interviewed in the State of Maine: Togus Veterans Adminis-

tration has a recovery rate of 67 percent based upon 18 to 24 months follow-up; The Alcohol Institute at Eastern Maine Medical has a 75 percent rate of recovery based on 2 years; Seton Hospital has a recovery rate of 75 percent, on a 1 year basis; Crisis and Counseling has a 72 percent recovery rate on 18 months; Cross roads, a treatment facility for women, has a recovery rate of 60 percent. Rounded off that's a recovery rate of 70 percent.

I hope that answers some of the question.

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

Senator MINKOWSKY: Mr. President, and Members of the Senate: I thank the good Senator from Kennebec, Senator Bustin. She answered the second question which I asked her earlier in the day very, very well.

How is the money going to be divided up amongst the different organizations in the State of Maine? Is there a set format in this particular legislation at the present time as to who will be eligible and the amount of money they'll be eligible to receive from this particular fund?

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

Senator TEAGUE: On page 4 in L. D. 1655, about half-way down the page in item 2, it says, "Commissioner's Report", and there's a whole paragraph in there.

The Commissioners of Educational and Cultural Services, Mental Health and Corrections, and Human Services shall jointly prepare and submit a report on alcoholism prevention, education and so forth. So it would be, these recommendations would be given to the Legislature. The Legislature would dole out the money.

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President, I wish permission to pair my vote with the gentleman from York, Senator Hichens. If he were here, he would be voting Nay and I would be voting Yea.

The PRESIDENT: The Senator from Cumberland, Senator Gill, Requests Leave of the Senate to pair her vote with the gentleman from York, Senator Hichens. If he were here, he would be voting Nay and the Senator from Cumberland, Senator Gill, would be voting Yea.

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

It is a vote.

The pending question before the Senate is the Adoption of Senate Amendment "C" to L. D. 1655.

A Yes vote will be in favor of the Adoption of Senate Amendment "C" to L. D. 1655.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Brown, Charette, Clark, Collins, Conley, Devoe, Emerson, Huber, McBreairey, Najarian, O'Leary, Pray, Redmond, Sewall, C.; Shute, Usher, Violette.

NAY — Bustin, Carpenter, Dutremble, Kerry, Minkowsky, Perkins, Pierce, Sutton, Teague, Trafton, Trotzky, Wood.

ABSENT — None.

A Roll Call was had.

18 Senators having voted in the affirmative and 12 Senators in the negative, with 2 Senators having paired their votes, with No Senators being absent. Senate Amendment "C" to L. D.

1655 is Adopted.

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, I present Senate Amendment "B" to L. D. 1655 under filing number S-295 and move its adoption.

The PRESIDENT: The Senator from Hancock, Senator Perkins, offers Senate Amendment "B" to L. D. 1655 and moves its adoption. Senate Amendment "B" (S-295) Read.

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

Senator TEAGUE: I hope you would not Accept Senate Amendment "B". In the Bill itself, 1655, the Statement of Fact is wrong. The Bill is right. What has happened here, the sponsor of the Amendment, I mean the Statement of Fact, and said it is right and the Bill is wrong. That's wrong.

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

Senator PERKINS: My Statement of Fact, with regard to my Amendment, says "This Amendment would remove the provision for a special trust account." As the Bill's Statement of Fact states has been done. The Statement of Fact on page 6 of L. D. 1655, number 3; says, "It removes the provision for a special trust account."

If you look on page 3 of the Bill, under Section 473, there has been no removal of the special trust account. My contention is that if this is a Statement of Fact, then my Amendment is in order and should be Adopted.

If this is merely a statement, and not fact, then you don't have to worry about my Amendment.

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

Senator BUSTIN: Mr. President and Members of the Senate: I was sitting in the committee room when that issue was before them. It is a mistake that was made by the Legislative Research, or whatever staff that had to do that.

The intent of the Committee, full intent of the Committee, was to keep in the endowment trust fund. Item number 3 on the Statement of Fact was inadvertently left on. My understanding is that Statement of Fact does not carry legality, that the law itself does. If there is no ambiguity in the law, the Statement of Fact does not carry any weight.

I believe there's a recent Attorney General's opinion on that, that the only time the Statement of Fact comes into play is if the law is ambiguous.

I would hope that you would defeat that Amendment.

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

Senator PERKINS: Mr. President, Ladies and Gentlemen of the Senate, I think the good lady from Kennebec is probably correct. My contention, that if it is to be fact, then my Amendment is in order. It should be Adopted.

If we don't want to do this, then I certainly could write some outrageous Statements of Fact to any pieces of legislation that go through here.

If it is a Statement of Fact, then the Amendment is in order and perfectly acceptable.

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

Senator CONLEY: Mr. President, I would request that this item be Tabled until later in the afternoon.

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

Senator PERKINS: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Conley, that L. D. 1655 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.

15 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion to Table until later in today's session, pending Adoption of Senate Amendment "B" does prevail.

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Mr. President, a point of parliamentary inquiry.

The PRESIDENT: The Senator may state his inquiry.

Senator DEVOE: Is this the proper time to move Reconsideration of the Amendment, not the Amendment offered by Senator Perkins, but the Amendment offered by Senator Pray?

Or would it be later in the afternoon?

The PRESIDENT: The Bill has now been Tabled until later in today's session, so the motion is out of order at this time.

Senator DEVOE: Thank you, Mr. President.

The President laid before the Senate:

Bill, "An Act to Encourage Small Power Production Facilities." (S. P. 638) (L. D. 1653)

Tabled—Earlier in the Day by Senator TROTZKY of Penobscot

Pending—Passage to be Engrossed.

On motion by Senator Trafton of Androscoggin, the Senate voted to Suspend its Rules, for the purpose of Reconsideration.

The PRESIDENT: The Senator has the floor.

Senator TRAFTON: I now move that we Reconsider whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Chair would advise the good Senator that this Bill, as yet, has not been Passed to be Engrossed. The Chair has also been informed that it is not necessary to Suspend the Rules, however, the Chair will wait for any further suggestions with great interest.

Senator TRAFTON: Mr. President, I now offer Senate Amendment "A" under filing number S-294 and move its adoption.

The PRESIDENT: The Senator from Androscoggin, Senator Trafton, offers Senate Amendment "A" to L. D. 1653 and moves its adoption.

Senate Amendment "A" (S-294) Read.

The PRESIDENT: The Senator has the floor.

Senator TRAFTON: Thank you, Mr. President. Men and Women of the Senate, first I would apologize for my error in the motion before us. I thought we were moving more quickly than apparently we have moved.

The Amendment before you tries to clarify one area in the Bill. That is, how the potential profits, which can be made by a utility investing as much as 50 percent in a co-generation facility can be viewed by the Public Utilities Commission.

This specifies that only that amount of profit can be looked at for retail rate making purposes. None of the other provisions that might ordinarily apply to property of a public utility will be under the jurisdiction of the Public Utilities Commission. The Commission will only be able to view this in terms of its retail rate making purposes.

This Amendment does have the consent and agreement of all the parties concerned with this particular LD.

Senate Amendment "A" Adopted. The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate:

Bill, "An Act to Establish a Board of Prison Terms and Supervised Release." (S. P. 494) (L. D. 1429)

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

Pending — Passage to be Engrossed.

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

On motion by Senator Conley of Cumberland, the Senate voted to remove from the Table:

Bill, "An Act Promoting Alcoholism Prevention, Education, Treatment and Research." (H. P. 1540) (L. D. 1655) Tabled earlier in today's session, by the Senator from Cumberland, Senator Conley, pending Adoption of Senate Amendment "B".

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

Senator CONLEY: Mr. President and Members of the Senate, I'm just a little bit confused in the debate that was going on about a Statement of Fact in the Amendment, Statement of Fact, etc. Is it my understanding, that the good Senator from Hancock, Senator Perkins, his Amendment should really be addressing the Statement of Fact in the original Bill. What the Amendment currently is doing is removing the dedicated fund.

I would move the Indefinite Postponement of this Amendment and would urge the Senate to vote with me.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Conley, that the Senate Indefinitely Postpone Senate Amendment "B" to L. D. 1655, please rise in their places to be counted.

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

21 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion to Indefinitely Postpone Senate Amendment "B" to L. D. 1655 does prevail.

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President, having voted on the prevailing side, I now move Reconsideration and ask the Senate vote against me.

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

Senator WOOD: Mr. President, I would request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Devoe, that the Senate Reconsider its action whereby it Adopted Senate Amendment "C" to L. D. 1655, please rise in their places to be counted.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: I request a Roll Call.

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

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

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

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, I believe we're discussing now the Amendment which was introduced by Senator Pray?

The PRESIDENT: The Chair would answer the good Senator in the affirmative, Senate Amendment "C".

Senator TROTZKY: Mr. President and Members of the Senate, this Bill has been lobbied very heavily. Everyone's aware of that. The original Bill put the tax on alcohol. Now the Amendment, as I understand it, that was presented by Senator Pray, takes that tax and shoves it onto hard liquor, mostly. It shifts the burden to hard liquor.

The concern that I have here is that, is hard liquor causing the alcoholic problems in this State? Or is it beer and wine? Why are we shifting the tax on this Amendment on to hard liquor? That's what I seem to understand that that Amendment did.

The beer and wine wholesalers are in here lobbying to shift that tax off beer and wine, to

the hard liquor. For what reason we passed that Amendment, I can not understand.

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

Senator CONLEY: Mr. President, I didn't quite understand the question. It seems as though I heard the good Senator from Penobscot, Senator Trotzky, say a tax. It's a premium.

Mr. President, I guess it's sort of immaterial. The State makes a tremendous amount of money, I think, from the sale of hard liquor. Apparently a great deal of money from the sale of hard liquor. Those people who drink hard liquor are going to pay that 10 percent along with those people who drink the beverage of moderation, "the champagne of bottled beer," as they say, are going to pay this equally, the same 10 percent.

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

Senator WOOD: Mr. President and Members of the Senate, to further clarify this issue, the good Senator from Penobscot is correct. The higher premium would be paid by those people that drank hard liquor.

It's interesting to note in the debate on this Bill, and in the lobbying on this Bill, that when the Bill was before our Committee, the beer and wine people came along and said that this is terrible, that those border towns in southern Maine were going to be severely impacted. It's interesting that they pointed that out to me, knowing that I represent six border towns.

That the store owners were going to be up in arms and there would be massive losses of sales of beer. I would only say that not one of those store-owners had contacted me with my concerns on this Bill.

I don't know if it's a figment of the lobby's imagination, or if it really exists. I don't think the hue and cry is out there from the beer and wine store-owners, anyway.

I think that our approach is much more logical. It makes the connection between an ounce of alcohol, and the problems that that ounce of alcohol can create. I think the approach by Senator Pray, although commendable in that it raises monies to take care of the problem of alcoholism, really does not make that essential connection.

I agree with the good Senator from Penobscot, Senator Pray, and would urge you to Reconsider. Although this Bill has been lobbied, I don't think there has really been enough debate on the floor of this Senate to differentiate between why we should go with the good Senator Pray's Amendment as opposed to the original Bill. I would like to hear some reasons, what is wrong with the original Bill that this Amendment supposedly corrects?

The PRESIDENT: The Senator from York, Senator Wood, 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: Mr. President, Ladies and Gentlemen of the Senate, I will not be able to answer the Senator from York, Senator Wood's question, but I will answer one question with regards to the lobbying effort. I call it the "Bustin Barrage." I received around 20 phone calls within 45 minutes, I figured it out, if the rate continued throughout the Session, I would have received 16,000 phone calls. I thought you might want to know that.

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

Senator REDMOND: May I pose a question also? The problem I have, I think the question, as I understand it, is not whether we charge a premium, or whether we don't charge a premium. I think we're all in agreement on that. However, my question is that that the original Bill taxes heavier beer, than wine. This is as I understand it now.

Senator Pray's Amendment, spreads it out. Beer is the poor man's champagne. The prob-

lem I have is why should we be taxing the poor man? I think that I'd like to go with Senator Pray's Amendment, because it seems to be better distributed.

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

Senator CONLEY: Mr. President and Members of the Senate, the good Senator from Franklin, Senator Redmond, has hit it straight on the head. It's a Democratic Amendment. It helps poor people.

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

Senator BUSTIN: Mr. President and Members of the Senate, I would like to tell the good Senator from Franklin, Senator Redmond, that it costs as much to treat a rich man as it does a poor man. That both of them should have to pay the same kind of premium.

Yes, you are correct. It taxes beer and wine more, or it looks that way. The reason it does is because spirits, or liquor, as we refer to it, is already taxed inequitably. It's taxed heavier than beer and wine is now. You have hit the crux of the matter. That is exactly what everybody is talking about, the beer and wine people don't want to be taxed equally with liquor. That's exactly what they don't want. What this Bill does, is put the responsibility where it lies.

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

Senator GILL: Mr. President, I wish permission to pair my vote with the gentleman from York, Senator Hichens. If he were here, he would be voting Yea and I would be voting Nay.

The PRESIDENT: The Senator from Cumberland, Senator Gill, requests leave of the Senate to pair her vote with the gentleman from York, Senator Hichens. If he were here, he would be voting Yea and the Senator from Cumberland, Senator Gill, would be voting Nay.

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

It is a vote.

The pending question before the Senate is the motion by the Senator from Penobscot, Senator Devoe, that the Senate Reconsider its action whereby it Adopted Senate Amendment "C".

A Yes vote will be in favor of Reconsideration.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Bustin, Carpenter, Dutremble, Kerry, Minkowsky, Najarian, Perkins, Pierce, Sutton, Teague, Trafton, Trotsky, Wood.

NAY — Ault, Brown, Charette, Clark, Collins, Conley, Devoe, Emerson, Huber, McBreairey, O'Leary, Pray, Redmond, Sewall, C.; Shute, Usher, Violette.

ABSENT — None.

A Roll Call was had.

13 Senators having voted in the affirmative and 17 Senators in the negative, with 2 Senators having paired their votes, with No Senators being absent, the motion to Reconsider does not prevail.

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

Sent down for concurrence.

(Senate at Ease)

The Senate called to order by the President.

The President laid before the Senate:

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

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

Pending—Final Passage.

On motion by Senator Pray of Penobscot, Retabled until later in today's session.

There being no objections all items previous-

ly acted upon were sent forthwith.

The President laid before the Senate:

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

Tabled—Earlier in the Day by Senator TRAFTON of Androscoggin.

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 laid before the Senate:

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

Tabled—Earlier in the Day by Senator SEWALL of Lincoln.

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

On motion by Senator Sewall of Lincoln, Retabled for 2 Legislative Days.

The President laid before the Senate:

Joint Order—Relative to the Committee on Audit and Program Review reporting out a bill (H. P. 1515)

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

Pending—Motion of Senator MINKOWSKY of Androscoggin to Reconsider.

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

The President laid before the Senate:

RESOLVE, Authorizing the Governor, Acting on Behalf of the State, to Execute Certain Quitclaim Deeds. (S. P. 605) (L. D. 1604)

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

Pending—Final Passage.

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

Senator COLLINS: Mr. President, this matter is now in order for Enactment. There has been on our desks a letter from the Attorney General, explaining the necessity for this deed. I also have a similar letter from council for the landowners. This was the matter relating to clearing a, Cloud on Title, relating to a 999 year lease down in Indian Township, and carries forward the Indian Land Claims Settlement. Thank you, Mr. President.

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

The President laid before the Senate:

Bill, "An Act to Provide a Referendum to Abolish County Government and Authorize Reassignment of its Functions and Duties to Appropriate State and Municipal Departments and Agencies." (H. P. 1040) (L. D. 1259)

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

Pending—Consideration.

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

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

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

Senator CHARETTE: Mr. President, I would move that the Senate Recede and Concur with the House, and will speak on my motion.

The PRESIDENT: The Senator from Androscoggin, Senator Charette moves that the Senate Recede and Concur with the House.

The Senator has the floor.

Senator CHARETTE: Mr. President, Women and Men of the Senate, as a former county commissioner, stepping immediately from that post into the membership of this

august Body, I was still in my heart, county government oriented. However, as time went on from the budget of my county, leaving Androscoggin to the Local and County Government Committee, and witnessing the countless mechanisms within the various 16 delegations the county budgets, my feeling for this extremely expensive part of state government quickly waned.

After several transactions between reports, I found myself, after serious deliberations, on the side of the elimination of county government through L. D. 1259. The reasons are many, and time being short and valuable, I will cite very few of them.

Number one, we can no longer afford county government. In my community alone, county government is costing the property owners well over \$400,000 a year from taxes.

Number two, speaking for my county, and for the moment as a former county commissioner, I never knew from my four years, in that position that, that type of petty politics could exist I don't have to go into details. Unfortunately, many of you are familiar with Androscoggin County, and a few others.

County government has become a completely useless arm of government. With the passage of this measure, we can help the property taxpayers. We also can go back to normalcy by eliminating one agency of government that we absolutely do not need.

I was not elected here to serve in this august Body to serve as God. I was elected to serve the people, particularly in such matters as this, which calls for a referendum for the people to decide.

In closing, I respectfully urge you to join me to Recede and Concur. I would ask for a Roll Call.

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

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

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

The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Charette, that the Senate Recede and Concur with the House.

A Yes vote will be in favor of the motion to Recede and Concur with the House.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Bustin, Carpenter, Charette, Clark, Conley, Dutremble, McBreairty, Minkowsky, Najarian, Pray, Teague, Trafton, Usher, Viollette.

NAY — Ault, Brown, Collins, Devoe, Emerson, Gill, Huber, Kerry, O'Leary, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Trotsky, Wood.

ABSENT — Hichens.

A Roll Call was had

14 Senators having voted in the affirmative and 17 Senators in the negative, with 1 Senator being absent, the motion to Recede and Concur with the House does not prevail.

Is it now the pleasure of the Senate to Insist and Ask for a Committee of Conference with the House?

It is a vote.

The President laid before the Senate:

Bill, "An Act to Amend the Site Location of Development Law to Protect Ground Water." (S. P. 632) (L. D. 1647)

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

Pending—Passage to be Engrossed.

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

Senator McBREAIRTY: Mr. President, Members of the Senate, I offer Senate Amendment "B" to L. D. 1647 with a filing number S-293 and move its adoption.

The PRESIDENT: The Senator from Aroostook, Senator McBreairty, offers Senate Amendment "B" to L. D. 1647 and moves its adoption.

Senate Amendment "B" (S-293) Read and Adopted. The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate:

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

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

Pending—Motion of Senator DEVOE of Penobscot to Indefinitely Postpone.

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

Senator NAJARIAN: Mr. President and Members of the Senate, I am speaking against the motion to Indefinitely Postpone this Bill. I think maybe a little bit of background would be helpful in understanding why this Bill is here. There are currently three regional libraries in the State of Maine, one in Bangor, one in Augusta, and the Portland Public Library. They are designated as such by the Commissioner of Education.

The Portland Public Library serves all of Cumberland and York Counties. These libraries provide a WATS line to all the town libraries, inter-library loan service, reference and information services, and direct free access to all district residents.

The State provides, in return for all these services, \$33,000 to each of these three libraries. In order to receive this State-aid, the law currently reads that the resources and services of the area libraries shall be available without charge to all residents of the district.

When the regional library system began in 1973, Portland had about 200 non-resident cardholders, who paid \$5 each to use the library. By the end of 1980, we had almost 9000 non-resident cardholders, or 26 percent of our registered borrowers.

During the year 1980, they borrowed 21.6 percent of our total library collection, or over one-fifth. At the same time that the Portland Public Library was trying to cope with this increased volume of business, our branch libraries in Portland were reduced to 12 and 13 hours weekly from the previous 59 hours. The main library's hours were reduced from 65 hours weekly to 50 hours weekly. This happened in spite of a 10 percent increase in our property taxes.

The situation for the city's upcoming fiscal year is more of the same. For a 7 percent increase in property taxes, we get a 15 percent reduction in services across the board. For the Portland Public Library, this means cutting back \$150,000.

As I mentioned yesterday, there is no such thing as a free access. You well know that no service is free. It costs someone. In the case of our library, it costs every man, woman, and child, in Portland, \$16 through the property tax.

Out of a \$1.2 million budget, the State contributes \$49,000 for all the free services we're required to provide to all southern Maine, including the 9,000 non-resident book borrowers.

The situation in the Bangor Public Library, fortunately, is different, in that Bangor has a very rich endowment fund compared to Portland's, and do not have to rely so heavily on property taxes for their operation.

I would like to address the question of free access to public libraries, and the implication that by allowing the resource libraries to charge a fee to non-residents, we will be breaking with a long-standing tradition. This is simply not true.

The concept of free access is a myth. As I told you, Portland charged a \$5 fee prior to 1973. At least 22 town libraries in southern Maine currently charge a fee for non-residents. Those towns are Biddeford, Bridgton, Cape Elizabeth, Cornish, Cumberland, Eliot, Falmouth, Freeport, Gorham, Harrison, Kennebunk, Kittery, Newfield, Old Orchard Beach, Saco, Sanford, Scarborough, Sebago, South Portland, Wells, Windham, and York. That was in 1979. The number probably has increased.

Non-residents, even with a fee, which would cover the cost of issuing the cards, checking books in and out, reminders of books overdue, etc., non-residents would still be able to walk into our libraries, free of charge, browse all day, bring their children to the children's story hours, see the films free of charge, and all the other great things that these resource libraries are now providing.

Finally, the question comes down to this. This Bill would allow our library to charge this non-resident fee without losing the \$33,000 in State-aid. However, with or without this Bill, Portland has reached this point where the State assistance is so minimal, that it will sacrifice that aid, cease to be a resource library to southern Maine communities, and institute the fee.

Who will lose out by this? Not Portland residents, but all the other communities in York and Cumberland Counties who have come to rely on the truly wonderful services now provided. Those services are rather mind-boggling. With computers hooked up to computers in Ohio, California, information on any subject you can imagine is almost instantly available because they have access to nearly every library in the world.

Again, if services have to be continually reduced because of the lack of money, the libraries open fewer and fewer hours, and access to everyone is reduced. Everyone suffers.

The Bill to fund libraries that is currently on the Appropriations Table has been reduced from the original request of \$195,000 for the three resource libraries to \$9000, or \$3000 for each one. This is such a small amount that even if that Bill is eventually Enacted, in this Chamber, it will not lessen the need for this Bill.

I ask you today to vote against Indefinite Postponement, not for Portland, for the benefit of the residents of all the other communities in York and Cumberland Counties. It's unfortunate that the times have forced us to this point, but it has been frequently pointed out. It's the decade of the 80's and it's time that calls for new approaches.

No one is happy about the situation and the need for a Bill such as this, certainly not the Portland Librarian, not the Portland Trustees, not the friends of the library, not the Commissioner of Education, though he admits it has become necessary, not the Chairman of the Education Committee, Senator Trotzky, who reluctantly admits the need, and not myself, and not the residents of Portland, who are very generous and would like to welcome everyone to use the library, but tough economic times facing our municipality has forced us to choose between one course of action that is less harmful than another.

The fee route will allow more services to be provided to more people than if we continue under the present statute.

Again, I hope you will defeat the pending motion.

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

Senator CONLEY: Mr. President, Members of the Senate: Mr. President, I raise the question through the Chair to any member of the Senate that is still here.

I would ask why is the, what's the importance of the Indefinite Postponement of this Bill at this particular time, when we still have a Bill that is floating around in the Legislature with respect to the funding of the State Librar-

ies? Why can't this Bill be kept alive until we find out exactly what course the other bill is going to take?

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

Senator TROTZKY: I move this Bill be Tabled for 3 Legislative days.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, moves that this Bill be Tabled for 3 Legislative Days.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President, I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Trotzky, that L. D. 624 be Tabled for 3 Legislative days, please rise in their places to be counted.

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

13 Senators having voted in the affirmative, and 9 Senators having voted in the negative, L. D. 624 Retabled for 3 Legislative Days.

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

Committee Report House

Ought to Pass in New Draft

The Committee on Taxation on, Bill, "An Act to Replace the Inheritance Tax with a Maine Estate Tax." (H. P. 940) (L. D. 1110)

Reports that the same Ought to Pass In New Draft Under New Title, "An Act to Phase Down the Inheritance Tax and to Replace the Inheritance Tax with an Estate Tax Equal to the Federal Credit for State Death Tax". (H. P. 1544) (L. D. 1658)

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.

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

Order

An Expression of Legislative Sentiment recognizing:

The Stearns Minutemen, of Millinocket, who won the North Penquis League Baseball Championship, for 1981. (S. P. 645) presented by Senator Pray of Penobscot (Cosponsors: Representative CLARK of Millinocket and Representative MICHAUD of East Millinocket).

Which was Read and Passed.

Sent down for concurrence.

Enactors

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

AN ACT Concerning the Use Tax on Used, Damaged or Returned Merchandise Donated to Charitable Organizations. (S. P. 287) (L. D. 813)

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

AN ACT to Equalize the Tax Burden of Rural Community Health Centers. (S. P. 261) (L. D. 743)

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

AN ACT to Require Public Hearings Prior to Proposing Exchanges of Public Reserved Lands. (S. P. 455) (L. D. 1301)

Which was Passed to be Enacted and having been signed by the President, was by the Secre-

tary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate, Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1981 (H. P. 1498) (L. D. 1618), Tabled earlier in today's session, by Senator Pray of Penobscot, pending Final Passage.

Senator Pray of Penobscot was granted unanimous consent to address the Senate, On the Record.

Senator PRAY: Thank you, Mr. President. Mr. President and Members of the Senate: In a few moments I will be asking this Chamber to extend me the courtesy of Suspending the Rules for the purposes of Reconsideration of this Bill being Passed to be Engrossed, for the purpose of offering an Amendment.

Having talked to the Chairman of the Local and County Government Committee, I have been informed by him. He feels he must remain consistent, where he has not allowed other county budgets to be Amended, that he is going to oppose that motion.

Basically talking to the members of this Chamber who belong to Penobscot County, the majority favor this Amendment, which will basically put a little more accountability in a particular county of this State which has continuously had problems with deficit spending.

I would hope that you would see fit, with this brief explanation, to give me the courtesy of allowing this amendment to be adopted.

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

The PRESIDENT: The Senator has the floor.

Senator PRAY: Mr. President I move the Rules be Suspended for the purposes of Reconsideration.

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

Senator PERKINS: I object.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Pray, that the Senate Suspend its rules for the purpose of Reconsideration, please rise in their places to be counted.

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

16 Senators having voted in the affirmative, and 12 Senators having voted in the negative, the Rules are not Suspended.

This being an emergency measure and having received the affirmative votes of 16 Members of the Senate, with 13 Senators having voted in the negative, L. D. 1618 Failed of Final Passage, in non-concurrence.

Sent down for concurrence.

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

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