

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

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

May 29, 1981

Senate called to order by the President.

Prayer by the Reverend George B. Gnade of the United Baptist Church in Madison.

Reverend GNADE: Let us pray. Our Heavenly Father, we thank You for this beautiful day that You have given to us. We thank You for the blessings of our world, especially the blessings You have given to us and bestowed upon our country here. We thank You for our government and for our Constitution, and the freedom that it's given to us, especially the freedom to worship and to learn about You. We thank You, O'God, for those who serve us in our government, not only on the National level, but as well as here on the State level. We thank You especially for this Senate Chamber, for each one who has been given this privilege to serve our State and its people.

We ask, O'God, that You would bless them, help them in their work today, give them the wisdom they need to make the right decisions. Above all, we thank You for Yourself, and for Jesus Christ, whom Thou has sent, who called himself the way, the truth, and the light. O'God, help us to follow his truth and to be guided by Your principles. Help us to remember, at all times, that there is one law giver and one judge, even Yourself. Help us, therefore, as we do our work, to remember that we must give account not only to the State and not only to the people, but to You as well. Bless them, therefore, as they do their best throughout this day, for Jesus' sake. Amen.

Reading of the Journal of yesterday.

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

Senator PIERCE: Mr. President, Out of Order and Under Suspension of the Rules, I present an Order and move its Passage.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, Out of Order and Under Suspension of the Rules, presents an Order and moves its Passage.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator VIOLETTE: I object to the Suspension of the Rules.

The PRESIDENT: The Rules are not Suspended.

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

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

In the Senate, May 26, 1981, Finally Passed, in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-271) in non-concurrence.

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

Order

Senator PIERCE of Kennebec, presented a Joint Order. ORDERED, the House concurring, that when the House and Senate adjourn, the House adjourns to Tuesday, June 2, 1981, at 9:00 o'clock in the morning and the Senate adjourns to Tuesday, June 2, 1981, at 10:00 o'clock in the morning. (S. P. 651)

Which was Read.

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

Senator VIOLETTE: Mr. President, I object.

The PRESIDENT: For what purpose does the Senator arise?

Senator VIOLETTE: Mr. President, I objected to Suspension of the Rules.

The PRESIDENT: The Rules have not been Suspended.

Senator VIOLETTE: I object, and I ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Passage of S. P. 651, please rise in their places to be counted.

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

23 Senators having voted in the affirmative, and 4 Senators having voted in the negative, S. P. 651 is Passed.

Sent down forthwith for concurrence.

**Committee Report
Senate**

Leave to Withdraw

Senator WOOD for the Committee on Taxation on, Bill, "An Act to Make Changes in the Tree Growth Tax Law." (S. P. 472) (L. D. 1328)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Second Readers

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

House

Bill "An Act to Define Eligibility for School Purposes and to Determine Financial Responsibility for the Education of State Wards and Students who are not State Wards." (Emergency) (H. P. 1559) (L. D. 1669)

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

Bill, "An Act to Provide Photographic Nonalterable Drivers' Licenses and Identification Cards." (H. P. 1555) (L. D. 1666)

Which was Read a Second Time.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: In looking over the redraft of "An Act to Provide Photographic Nonalterable Drivers' Licenses and Identification Cards", and looking at the appropriations and the number of new State employees in the biennium over 16 to be totally sure according to this document on the redraft, and the strategy used, I guess one particular point has come to mind.

Amongst many categories of the people of the State of Maine, other than politicians, they really don't want to have their picture taken. They prefer to maintain the regular system that we have at the present time. There are a few categories that don't mind having their picture taken. The ones who want to go out and use this for identification purposes to cash checks, or for any other purpose, they can have those taken by the private stores in the area.

If the intent and purpose is only for revenue increases, then I wish we'd come out and say this, but in essence, you are creating another additional arm of the bureaucratic system. If we look at the situation presently existing with the Department of Transportation, and all the so-called, "fee increases" we're going to be facing very shortly, this is another fee increase. I think basically the people of the State of Maine have reached a saturation point in evading the real thing of being taxed by saying these are fees.

In the long run, with radio communications we have and all our municipal police departments, and our State Police vehicles, they can make a pretty clear cut determination if a person is not properly licensed, but to have a mug shot tagged on to it, I think, is really an atrocious gimmick against those people who prefer to maintain the same system as we had over the years. It has worked very, very well.

If you look at the first part of the Bill, the purpose, the State Motor Vehicle Operator's

License, Identification Document has an increasingly important role in our society. So what? Are we supposed to now just because we're driving a vehicle, be accountable to everybody in the State of Maine by having a mug shot on these particular photos, or on these particular I.D. cards? They serve not only to identify persons who have received permission to undertake a specific regulated activity, but also to serve as identification in numerous public and private transactions.

This is a lot of hogwash. We have, I have enough of my own I.D. cards, which I've got from places I choose to do business with, that if people want additional identification, or if they should be stopped by the State Police, or a local police department, that should suffice. To further compel the people of the State of Maine to go out and have a mug shot, and then assess them two dollars, if they're over 20 years of age, and then have a special exclusion, that if you're over 65, you have the option of not having it, or having it, I don't think its right.

On that particular basis, at least if I have to stand alone, I don't care, I think this particular Bill and all accompanying papers should be Indefinitely Postponed, and I so move.

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

Senator EMERSON: Mr. President and Ladies and Gentlemen of the Senate: Number one, the purpose of this bill is not to raise revenue. There will probably be no need for extra revenue. It will cost as much to administer the program as we get out of it.

There apparently is some abuse of the use of the automobile license, the driver's license. I understand that among young people, it's occasionally occurred, and maybe quite often occurred that they swap these licenses, or loan their license to somebody. It gets pretty hard in that age bracket to tell just how old a person is. They use those for identification, sometimes in obtaining liquor. That was one reason.

It, also, the four year license that we have, if you carry it in your pocket, it gets dog-eared, and hard to read. The enforcement officers would like to have a better system. That's another reason we have this.

The reason that the people over 65 would be excluded is because they probably don't cause many problems to the enforcement agencies.

The 16 people that he's mentioned have now been reduced to 10, I believe. There will be 8 in the field offices, and 2 people in mobile units, which will go over the State so people won't have to drive long distances to obtain these photographic licenses.

I hope that the motion to Indefinitely Postpone does not prevail. I do have an amendment to offer afterwards.

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

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, How would, under this Bill, and maybe this could be directed to the Chairman of the Committee, under this Bill, how would people that don't have a driver's license use their identification for purposes they might want to cash checks, or some other purposes?

Why is it that the Transportation Committee didn't go the direction of having people get their pictures taken and their identification with the Bureau of Alcoholic Beverages? They're in that business now. What's the reason that we didn't continue going in that direction, and not put this extra cost on everybody in the State?

(Off Record Remarks)

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

Senator EMERSON: The reason the \$2 fee is on there for everybody is that it will cost that much to issue those photographic licenses, to take the photograph, and do the paperwork.

The reason that we changed the liquor enforcement to the motor vehicle was because it was no reason to have two outfits doing the same job.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: That's my exact point. We're tacking on an additional fee to the citizens of the State of Maine. I don't think the people should be compelled to pay over and above for this particular service for the law enforcement people, if it's for them, as the good Senator from Penobscot has stated. It's a wrong approach. I don't think the violations amongst most of the citizens of the State of Maine represent the infinitesimal amount of violations of the people who would abuse their particular driver's license.

If law enforcement has the capability at the present time to take care of when they go through the arrest process, they have ready accessibility to that computer system here in Augusta to make a clear cut identification relatively fast, if they suspect a person has got an altered driver's license.

To compel the rest of the people in the State of Maine to pick up this additional cost is a gimmick. It's a gimmick for additional revenue for the Department of the Secretary of State. It's a way of getting on more additional employees. This is what the people of the State of Maine are asking us not to do at the present time. I think for once we should start to listen exactly to what they are saying out there. Cut down the costs of the bureaucratic system. Stop hamstringing us. Stop regulating and over regulating us. This is just another way of doing that same particular purpose, over regulation.

We look out there when we campaign amongst our constituents, and say, we always speak of these bills being enacted by the people of the State of Maine. Where we have such high regard for them, if we hold them in such high regard and we put these things in the front of our documents, being enacted by the State of Maine, let's respect them to the point that they are ethical, honest people, and not have mug shots of them if they so object. I think you will find most of them do object.

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

Senator AULT: Mr. President and Members of the Senate, it's my understanding that this is a purely voluntary program. I hope the Chairman of the Transportation Committee will correct me if I'm wrong. It's just — is not a voluntary program.

I understand, in the Bill it says, "may make application to the Secretary of State." I would ask the Chairman to explain this to me.

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

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: I think the Senator from Kennebec saw me shaking my head no. It is not voluntary. It is mandatory.

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

Senator SUTTON: I get a little nervous standing in this posture, but I have heard from the folks back home also, in the same way the Senator from Androscoggin, Senator Minkowsky, has. The store-owners and a lot of the young people, and the school officials, and what have you, tell us, tell me anyway, that the benefits from this particular program, of having this type of official I.D. would cut down a lot of the problems as far as minors getting liquor, especially, and other identification things.

As I say, I'm a little nervous about, in this posture of suggesting that we support this State program. I think this is one program that will be of a definite asset to the State.

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

Senator SHUTE: Mr. President and Ladies and Gentlemen of the Senate, if there is a problem with the teenagers, of course right now they have to have State Liquor I.D.'s to buy liquor. I really don't see what this Bill is supposed to do. Is there a problem with people 45 years old buying liquor, or 50, or what, giving identification over in Oxford County, or some other county?

I don't think we ought to be putting an extra \$2 on every license in the State, when people don't want it. I don't want it, and I'm sure there are a lot of people that don't want it. If people want to voluntarily do that, want to voluntarily spend \$2 for it, that's fine, but don't demand it of everyone. There's no need of people 50 or 60 years old paying an extra \$2 to have their picture on a license when there's really no purpose in having it there.

I go along with the Indefinite Postponement.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Androscoggin, Senator Minkowsky, that the Senate Indefinitely Postpone L. D. 1667 and all its accompanying papers, please rise in their places to be counted.

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

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I request a Roll Call, please.

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 Minkowsky, that the Senate Indefinitely Postpone L. D. 1667 and all its accompanying papers.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

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

ROLL CALL

YEA — Hichens, McBreairty, Minkowsky, Shute, Teague.

NAY — Ault, Brown, Bustin, Carpenter, Charrette, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Huber, Kerry, Najarian, O'Leary, Perkins, Pierce, Pray, Sutton, Traf-ton, Trotzky, Usher, Violette, Wood.

ABSENT — Clark, Redmond, Sewall, C.

A Roll Call was had.

5 Senators having voted in the affirmative and 24 Senators in the negative, with 3 Senators being absent, the motion to Indefinitely Postpone L. D. 1666 does not prevail.

Which was Passed to be Engrossed, in concurrence.

(See Action Later Today)

Bill, "An Act to Promote Alcohol and Other Drug Abuse Education and Rehabilitation." (H. P. 1533) (L. D. 1645)

Which was Read a Second Time.

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

Senator CONLEY: Mr. President, L. D. 1645 is one of those premium bills that is no longer needed. I would now move that this Bill and all its accompanying papers be Indefinitely Postponed.

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

Senator PIERCE: Mr. President and Mem-

bers of the Senate, just in the event that in the waning days of the Senate Session, we do have further debate over taxes and premiums and alcohol bills, I want to point out that there is a difference between premium bills and tax bills. This is a tax bill. Everybody knows that the Senate is against it. I'm against it. The Governor's against it. I agree with him, we should kill this Alcohol Tax Increase Bill.

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

Senator TROTZKY: Mr. President and Members of the Senate, the Education Committee faced this honestly and called a tax a tax. I will defer to the motion of the Senator from Cumberland, Senator Conley.

On motion by Senator Conley of Cumberland, L. D. 1645 was Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Provide More Public Accountability for Sewer and Sanitary Districts." (H. P. 1562) (L. D. 1670)

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-311 and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, offers Senate Amendment "A" to L. D. 1670 and moves its adoption.

Senate Amendment "A" (S-311) Read and Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

House — As Amended

Bill, "An Act Concerning the Suspension of the Drivers License for Operating a Motor Vehicle under the influence of Alcohol or Refusing to Submit to a Blood or Breath Analysis." (H. P. 637) (L. D. 727)

Bill, "An Act to Amend the Charter of the Gardiner Water District." (H. P. 712) (L. D. 837)

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

Bill, "An Act to Amend Provisions Concerning the Operation of the Operation after Suspension and Habitual Offender Laws and Certain Nonsentencing Provision of the Operating under the Influence Law." (H. P. 556) (L. D. 635)

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-310 and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, offers Senate amendment "A" to L. D. 635 and moves its adoption.

Senate Amendment "A" (S-310) Read and Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

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

Senator AULT: Relative to L. D. 1666, which was just Passed to be Engrossed, I move we Reconsider our action whereby it was Passed to be Engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Ault, moves that the Senate reconsider its action whereby the Bill, "An Act to Provide Photographic Nonalterable Drivers' Licenses and Identification Cards." (H. P. 1555) (L. D. 1666) was Passed to be Engrossed.

On motion by Senator Emerson of Penobscot, Tabled until later in today's session, pending the motion by the Senator from Kennebec, Senator Ault.

There being no objections all items previous-

ly acted upon were sent forthwith.

Enactor

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

Emergency

AN ACT to Provide for a Commission to Propose a Method of Providing Volunteer Legal Services." (S. P. 634) (L. D. 1649)

Comes from the House, Failed of Enactment.

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

Orders of the Day

The President laid before the Senate the first 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 27, 1981 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 1 Legislative Day.

The President laid before the Senate the second Tabled and specially assigned matter: Bill, "An Act Concerning Minimum Limits Required under the Financial Responsibility Law" (H. P. 1455) (L. D. 1596)

Tabled—May 28, 1981 by Senator SUTTON of Oxford.

Pending—Enactment.

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

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate. Since this Bill has come to our attention, there's been several questions raised. Some of us seem to have some problems with it. I'd just like to mention a few of them to you.

Our first thought was that this particular change in the limits just affected the Uninsured Motorist, who has not gotten insurance, had an accident, and then, under our present law, is required to either post a bond or get insurance. The limits for that are now \$20,000/\$40,000/\$10,000, \$20,000/\$40,000 Bodily Injury, and \$10,000 Property Damage, which on the face of it sounds pretty good.

What we didn't realize is that this also raises the Uninsured Motorist portion of all of our insurance policies. When you buy an insurance policy in the State of Maine, you must buy Uninsured Motorist portion of your policy. The limits on that are \$20,000/\$40,000/\$10,000. Folks who can just barely buy insurance, buy the lowest rate possible, which is the \$20,000/\$40,000/\$10,000, and now we are going to be changing that to \$25,000/\$50,000/\$20,000.

By the way, our numbers that we just got show that that will be the highest in the nation, of those limits.

There is some question as to whether this would force people who are now just barely buying insurance to become uninsured. We don't know how much that might happen.

Also, that it is going to affect the Assigned Risk Pool, as far as the pricing is concerned. The insurance companies, the Insurance Commissioner seems to think that this would raise everyone's policies an average of 6 to 9 percent.

Also, the combination of numbers is an odd combination of numbers as far as, which isn't a big item, but as far as the insurance companies are concerned.

By the way, the information I'm giving you and the questions right now come from the Commission of Business Regulation, who has, also, raised some concerns about this.

I'm not necessarily against it, but I think the Senate should be aware of some of these con-

tingencies that I wasn't aware of the other day, before we Enact this Bill.

On motion by Senator Conley of Cumberland, Retabled until later in today's session.

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

Bill, "An Act to Protect Farmers' Right to Farm." (H. P. 1175) (L. D. 1399)

Tabled — May 28, 1981 by Senator HICHENS of York.

Pending — Assignment for Second Reading.

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

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

HOUSE REPORT — from the Committee on Marine Resources — Bill, "An Act Concerning the Regulation of Atlantic Salmon." (H. P. 474) (L. D. 538) Ought to Pass as Amended by Committee Amendment "A" (H-497)

Tabled — May 28, 1981 by Senator PRAY of Penobscot.

Pending — Acceptance of Report.

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

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

Senator TROTZKY: Mr. President, I present Senate Amendment "A" to Committee Amendment "A" under filing number S-308 and move its adoption.

THE PRESIDENT: The Senator from Penobscot, Senator Trotzky, offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" to Committee Amendment "A" (S-308) Read.

THE PRESIDENT: The Senator has the floor.

Senator TROTZKY: Mr. President and Members of the Senate, during the past year, I was exposed to the Atlantic salmon fishery for the first time in my life. I had the opportunity to visit a sporting camp up in Canada, and went fishing for Atlantic salmon. It's the thrill of a lifetime. This past weekend, I went down to the Penobscot River, which runs through the City of Bangor, to see the salmon fishing on the river. It was quite an experience to see a fisherman with a fly rod latch on to a 12 pound Atlantic salmon, which comes flying out of the water. It takes a fisherman maybe 15 minutes to land that Atlantic salmon, or more. It's an extremely exciting sport. It's fishing for the king of game fishes, Salmon salar, the Atlantic salmon.

The Atlantic Sea Run Salmon Restoration Program is a program which had an input of millions and millions of dollars to clean up our rivers such as the Penobscot, to get fishways in dams, to provide fish hatcheries, and to stock the rivers. These fish go out to sea as small fish. They come back, and the average size fish probably runs from 8, 10, 12 pounds.

Maine has had really no regulation on Atlantic salmon. We have regulation on small fish, brook trout, and our own fresh water fish. The regulation on Atlantic salmon has been pretty negligible.

In Canada, what they do is they hand out, when you buy a salmon permit, you're given tags. When we went, we paid \$45 or so, for seven tags. You had to have a guide. When a salmon was caught, you put that tag through the salmon. Once you've caught your seven, that was it.

We're trying to restore a program to the Penobscot River and to other rivers throughout the State. A bill was put into this Legislature in the beginning, by House Member, a Representative from Bangor, which stated that we should limit the number of Atlantic salmon caught to five per season. We're talking about five 10 pound fish. That's 50 pounds of fish worth maybe \$5 a pound, or \$4 a pound. It's about \$200 to be put into a freezer.

There's also, a conservation ethic here, too, that once a person has caught so many fish, that's enough. Let the next guy get on the river and fish.

The Amendment that I'm trying to put on today is basically the original Bill that was introduced and mishandled, I believe, by the Marine Resources Committee.

A resident would pay \$5, that's all, \$5 for an Atlantic salmon permit. He would be given five tags. These are just long strips. When he catches a salmon, he has to tag that salmon, after he's caught five, the season is over for that fisherman. A non-resident would have to pay \$25, and would also go through the same process.

The Bill has been totally watered down by the Marine Resources Committee, and I feel does very little. For example, the emergency preamble states, there was ten years of intensive efforts to clean-up our waterways and restore the native fisheries of the Atlantic salmon. There's great interest and great fishing pressure. In Bangor right now, the fishing pressure, everybody is getting excited in the Atlantic salmon fishery, because the salmon are starting to come back in good numbers right now. You can see fishermen on that river from the Bangor dam all the way up to Veazie. It, also, admits there are few controls in the emergency preamble.

Then it says that fishing pressure may endanger the restoration effort. Then the Bill itself, all it does is, it states the bag limit, you can't take more than one Atlantic salmon in a day. You can't have more than two in possession.

That could be 30 fish. There are people who sit there and fish day, after day, after day, and who claim to have caught this many fish. There's no way of checking how many are in possession in your freezer, or in your neighbor's freezer.

Then it says, it repeals this December 31, 1981. I think that it's about time that the State of Maine recognize one of the greatest natural resources that it has, and put reasonable limits, and 5 fish, 5 Atlantic salmon. We've got 10 pound fish coming in from the sea. To me, that's a reasonable limit. Personally, I'd be happy if I could catch one. Just one, it would be the thrill for a season. I think with most fishermen, if they caught one, it's the thrill for a season.

We're not putting heavy restrictions, but we're putting reasonable restrictions. The Canadians have been managing their fisheries for many years. Those fisheries are successful, they're maintained. Essentially, what we're trying to do here is do in a similar way what the Canadians are doing, in giving the fishery the dignity and the protection that it should have.

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

Senator SHUTE: Mr. President and Ladies and Gentlemen of the Senate, the Committee on Marine Resources did hold a real good hearing on this Bill. It took about three hours. We had two or three work sessions, about three hours on each. I thought we had done a fairly good job, more than we'd ever done before on the Bill.

I was surprised that the good Senator from Penobscot, Senator Trotzky, over the weekend, when he went down to visit the Salmon Pool, come up with a brand new approach to this problem, in a matter of minutes.

It seems that the Amendment of Senator Trotzky's, kills the Committee Amendment. This may be probably good for non-residents. It does put their fee from about \$75 down to \$25. I'm sure they'd appreciate that. It does put the extra \$25 onto the residents. I'm sure the residents would appreciate that.

I don't know, this amendment calls for a Salmon Stamp, or a tagging system and a stamp, for all salmon caught in all waters in the State of Maine, a limit of 5. I don't know how we, how the good Senator proposes to en-

force this for draggers, or auto-trawlers, or the commercial fishermen that might catch salmon. I don't know, after they catch 5 fish, are they supposed to throw the rest of them back? The dead ones overboard? Are they supposed to take them home, or what? They only have 5 tags, and during the season they catch 18 fish, I don't know how you handle this. You probably have to catch 5 and throw the other 13 overboard. Let the seagulls eat them.

The Amendment of the good Senator's Amendment says that the person can catch or kill, catch and kill. One of the problems that the salmon fishermen have at the Salmon Pool in Bangor is that a lot of people go down to the Salmon Pool and catch salmon, but don't kill salmon. Professional fishermen, sport fishermen, that all they have to do from the first day of May until October is to go down there and fish. The people that might want to catch a fish can't even get in line to catch one, because you get a few people that want to fish there every day. They'll catch fish and throw them back, after they have their picture taken with them, and throw them back overboard. Those fish would never be tagged.

The Committee also put on, designated certain waters in the State where you would be required to have a Salmon Stamp. This is, of course, for non-residents. It's not for residents. To say the least, this is a very shaky Bill the way it is. That's why it's being sunsetted next January. It is an emergency Bill, to go into effect immediately.

I was really, really scared when I came out of that Committee after we held the last work session on this Bill, and found out how far the Committee had gone this year for the Salmon Commission. I think the only thing that saved me from having a relapse when I came out of that Committee was that I realized there was sunset on this Bill, for next January. I think the Committee has gone a long ways with this Bill, and to do away with what the unanimous Committee Report come up with, I think would be a travesty for the fisheries. Probably, there won't be any bill, it might even be tested in court, if we don't at least go along with some degree of continuity in what the present law is. I don't think under present law, Inland Fish and Wildlife Department licenses are required in tidal waters. I think there might be even some jurisdictional problems in that area. I'd be glad to get into that further if you would like.

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

Senator TROTZKY: Mr. President and Members of the Senate, this Amendment was not just made up by me in one day. This Amendment is essentially the Bill that was submitted, by the Representative from Bangor, at the beginning of this Legislature. It was also backed by Bud Leavitt, who was, I guess, more familiar than myself with the salmon fishery. He states about this Bill today that, yes, there is some good in it, but he said, "failure to place a limit on the number of fish one may claim is unfortunate. I do not wish to belabor the point, yet it seems a pity the Committee did not see fit to limit the number of poundage an individual may legally take of this fragile, precious resource."

Finally, no man or woman can argue such a loophole is less than obscene, that permits one individual to kill more fish than several streams offer anglers in the entire season. There may be two fisheries here, well there's one fishery, but there are two ways of getting them. There's the fresh water fishery in the Penobscot River, where it's angling with a fly rod.

Then there's another problem out there in the open at sea, where the commercial fishermen are using nets. The issue that I'm trying to address in this specific Amendment, which basically is not my original Amendment, but the Bill put in with great thought at the beginning of this Session, is that in the fresh waters of the

State, in the rivers, that we should have a limit on the Atlantic salmon, and a reasonable limit. Against, I say to this Senate, if anyone has seen these fish, we're not talking small fish. We're talking about 10, 12 pounds, they go up to 17, 18 pounds. They're large game fish. They've cost the public a great deal of money to restore that salmon fishery. Therefore, we have an obligation to protect that fishery, and yet let the fishermen in the State of Maine be able to get a reasonable number of fish during a season.

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

Senator CONLEY: Mr. President and Members of the Senate: I'm not going to take issue with the good Senator from Penobscot, Senator Trotzky, on this Amendment. It does irritate me in a way, though, to think that now we're starting to charge a fee to fish in salt water. How much are we going to put on mackerel? That will be the next one on the books. Before you know it, there won't be anybody in this State that's going to be able to pick up a fishing pole and go anywhere without being taxed in some manner or another. Pretty soon we won't be able to breathe free air.

I support conservation on the catch of Atlantic Salmon. I didn't talk with the good Senator with respect to some type of an amendment on the legal number of catch in any one given period during a year. I think that makes sense, because it gives an opportunity for the spawning and for the Atlantic salmon to return, and obviously to build-up the population of Atlantic salmon.

I have some concern, though, about a \$5 fee, because I'm sure that next Session they'll be back in here making it \$10, and then it will be \$20, then it will be going by what they're asking for, right now, for non-residents. This is the beginning of the ball game. The snowball is starting now and it's going to continue to roll until it mushrooms. Before you know it, no one but only those who can really afford to pick up the rod are going to be able to fish Atlantic Salmon.

They have a beautiful salmon club up in Bangor. I've visited it there on the opening day in the spring, sat down at a beautiful breakfast, and froze my body to death out there trying to find something swimming up the river.

I think we should carefully examine the Amendment that's before us, because I honestly think that things are starting on this fee basis, and we're not going to be able to stop it once it's on the books.

In closing, Mr. President, I just hope the Senator from Penobscot, Senator Trotzky, when he was fishing on the Upsal Quitch had loads of luck.

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

Senator BROWN: Thank you, Mr. President. Men and Women of the Senate, I feel somewhat awkward standing on this issue today, because I've kind of limited my field of interest to only one species of fish per year. I don't want to get too much involved with the salmon, I guess, at this point.

I did wonder about one aspect here. In the original Amendment, the Committee Amendment "A", it states in there that there will be a bag limit of one salmon per day. The good Senator from Penobscot has already said that he would very much be satisfied to get one fish. The great majority of people fish. This is limited to one fish per day. The Committee did work on this. Being a conservationist, I very much want to preserve this particular species, but I do not see a great deal of problem with the Committee Amendment "A", which was unanimous on this particular Bill.

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

Senator TROTZKY: Mr. President and Members of the Senate, I'd like to clarify something. The Amendment says \$5. That's all it's saying to get the permit to fish for the Atlantic

salmon, \$5. Not \$25, but \$5. I don't consider that for the privilege of fishing for the salmon a great deal of money. We have hunting licenses, and fishing licenses in this State, which are much more. Yet, who's to pay for the restoration program? That money goes back to the Atlantic Sea Run Salmon Restoration Program, to help restore the fishery in the river. We're not asking a great deal of money when we ask for a fee of \$5.

Secondly, there are people who go out and fish, and who catch 30 fish in a season, who fish there day, after day, after day. How many 10 pound salmon can you put in your freezer? Or 12 pound salmon?

I think this is a reasonable Amendment, and it is in no way discriminating in the sense that the fee is so high that it's going to keep anybody off that river.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, just a question to the good Senator from Penobscot, Senator Trotzky. He keeps indicating 10 pound salmon, 12 pound salmon, five bag limit, 50 pounds in your freezer. Suppose those salmon are under 10 pounds, do you count them?

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

Senator PRAY: Mr. President, Members of the Senate, I think the Senator from Penobscot, Senator Trotzky, has taken on a gallant battle here today. Very seldom do I stand up in this Chamber to agree with him, but today I think he's correct in the measure that he's offered, and his explanation of the fish that's available, be it 10 pounds, 12 pounds, 5 pounds, or what have you, or even greater.

For the example that he uses, I think that any one of us would have to admit that under the Amendment that's being offered by the Committee for those successful anglers who are the greatest threat to conservation because they are continuously successful, the amount or the poundage of fish quickly adds up, be it even a five pound fish. If an individual is spending a lot of time, one, two days a week, or five, or six days a week, or seven days a week on any of these rivers that are mentioned in both the Committee Amendment, and the Amendment that's presently being offered, we're talking about a great number of fish.

As I look through the Fish and Game Laws over the last several years, and the four years that I served on the Fisheries and Wildlife Committee, I noticed that we continuously have changed in the advantage of game. On our hunting license, for those of us who hunt, we have a tag for deer. You're allowed one. The purpose of that tag is to show that when you're successful, you go to an agent. The agent punches that tag, so that you can not be out in the woods hunting again. We have changed the bear to a one bear limit on this year's license, contrary to in the past, we now have a bear tag.

Continuously, we are concerned about the fish and game of this State. We are constantly taking small steps towards the conservation measures of being on the side of the species, and not necessarily that of what I would call the meat hunter or meat fisherman.

I think the Amendment that the Senator from Penobscot, Senator Trotzky, has offered is another step in that direction. It is more of a conservation measure than the Committee Amendment. I think that what the publicity that the Atlantic salmon has received, and it's not only come up into the Bangor Pool, but it's gone up further. It's gone up into the Pleasant River. It's gone up as far as Lincoln, on the Penobscot, which is quite a ways north. Those of you who are familiar with the Penobscot River, everything above Bangor, there's a lot of paper companies. They all sit on the rivers and they've done a tremendous job in cleaning up those waterways. That fish, which was a native

fish, is slowly returning to the inland waters, as far as they can go.

I think I would rather take a step which is in favor of the species at this time, and not a one year sunset to put this issue back before us next year. I do wonder if it could come back before us again next session. I would rather take that step, which the Senator from Penobscot, Senator Trotzky, has offered, to protect that species and to allow it to return under the most cautious guidelines that we can institute. I think that that Amendment does it.

I would hope that the Members of this Body would support the Adoption of it.

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

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, I am sure if I was from Aroostook County, or upper Penobscot County, I wouldn't have too much interest in the commercial fisheries in the State, and how this Bill might affect them. I do border on the tidal waters of the State. It does affect the commercial fisheries, especially the tagging system, as is proposed by the good Senator from Penobscot.

First of all, the Amendment, as I stated before, of Senator Trotzky's, does repeal the Committee Amendment. You might note, in the Committee Amendment, that for a non-resident to fish for Atlantic salmon, they have to have a resident inland fishing license. Plus, they must have a permit.

Under Senator Trotzky's Amendment, he repeals the fishing license. All they have to have is a \$25 permit. They're going from \$50 down to \$25. That's not going to add too much revenue to any Department.

Of course, when he cuts the non-resident fee from \$50 down to \$25, then he tacks \$5 on to the residents of the State.

The good Senator, also, said that he was only trying to get after the fresh waters in the State. If he is only trying to get after the fresh waters in the State, I would gladly go along with an amendment for 5 fish per season, with a tagging system, for the fresh waters in the State. We'll do away with the boundaries that we have here, the Chamberlain Bridge in Bangor, the two posts 1000 feet down below Route 1, and Ducktrap Stream, the boundaries on the Union River, the Dennisville River, where they're out in the salt water. Do away with those boundaries, and let the commission only regulate salmon up into, well, I guess you'd have to go up into Howland, before you get out of the tidal waters of the State. If you'd rather have the boundary up in Howland somewhere, than you would the north side of the Chamberlain Bridge in Bangor, I think that's a good direction to go.

I would support an amendment to have 5 tags for each fisherman, and have that apply only to fresh water, no tidal waters.

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

Senator PRAY: Mr. President, I'd like to pose a question through the Chair to the good Senator from Waldo, Senator Shute. It's my understanding that the section of waters that we're talking about, and these A through I sections of both the Committee Amendment and the Bill, deals basically with a number of short sections. From his comments, I kind of have the confusion that the commercial fishing is taking place, for an example, from the Chamberlain Bridge upstream. When I look at the Amendment, to me, that's the section of river we're talking about. He talked about the Ducktrap River, which says 100 feet downstream from the bridge on Route 1. Is there commercial fishing going on from 1000 feet below the Ducktrap River, the bridge on Route 1? He seems to be concerned that this Amendment would restrict commercial fishing. Are we talking about that section, or are we talking about the section below the boundaries?

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

Senator SHUTE: To answer the question, no, I was not talking about a commercial fishery in that area. The Amendment does away with that area. The Trotzky Amendment says, "all waters in the State." That means fresh water and salt water. I don't know if it goes beyond the three-mile limit, or inside of the three-mile limit. I would suspect inside the three-mile limit. It says, "all waters in the State." It doesn't say, "all inland water." It doesn't say all tidal water. It says all waters.

When you have commercial fishermen out there, that do catch more than 5 salmon a year, say, while they're fishing for another species, under this Amendment, you'd have to throw your salmon back.

This Amendment, also, remember, does cut the non-resident fee down. It does away, of course, with the boundaries that the Committee put in there, the first time ever. Mr. President, I move the Indefinite Postponement of the Amendment.

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

Senator TROTZKY: Mr. President and Members of the Senate, my intention, basically, if the Senator from Waldo, Senator Shute, would like to keep the non-resident fee the same as in the Committee Amendment, we can take care of that with a small amendment. That's not the major issue here.

Secondly, the intention of this amendment is basically to have that tagging system in the areas that are in the Committee Amendment. We're talking about in the rivers. We're not addressing what's taking place out in, way out in Penobscot Bay, where the commercial fishermen are, but what's going on in the river system in the State.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Waldo, Senator Shute, that Senate Amendment "A" to Committee Amendment "A" be Indefinitely Postponed, please rise in their places to be counted.

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

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: I request a Roll Call.

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

Senator PRAY: I move this item lie on the Table until later in today's session.

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

Senator SHUTE: 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 Pray, that LD 538 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.

13 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion to table in the LD 538 until later in today's session does not prevail.

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Mr. President and Members of the Senate, I feel that before we vote on this, it can become a serious issue. I have to compare the Fisheries and Wildlife Department, what they are doing now, and what is one of their problems. Last weekend the first

roadblock that they set up within the State, concerning the Inland Fisheries and Wildlife. They conducted these roadblocks, and 92 summonses were issued. This is the beginning of a, well, this is an ongoing problem that we have tried to initiate through the Department to start this.

This is the starting of the abuse that's being done by our fishermen. I'm very concerned about the Atlantic salmon, who are just coming back into the State. We better start protecting them today, or we're going to have the same problem within the Bangor area, or wherever they fish the Atlantic salmon.

One of these people that was issued a summons had 54 trout more than what he was supposed to have. Also, within the Department, there are two public hearings being scheduled, one I believe has already been had, concerning doing away with the pound limit, the weight limit, and taking a certain amount of fish. We have to control this.

I sponsored a bill which was killed within Committee, pertaining to our ice fishermen. A certain limit of fish have to be taken. This has been in existence in the State of New Hampshire. You catch a certain amount of fish, then you leave the lake. We have to preserve our fish. There's going to be abuses as long as you leave an amount, or no amount at all.

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

Senator CONLEY: Mr. President, are we talking about the Atlantic Ocean, or are we talking about some little pond or some little lake somewhere? You know, the federal government, the state government, industry, and the communities have done a great deal to clean-up the pollution in these rivers. It's an act of God that is bringing the salmon back into these rivers. It's an act of God. Who are we now to start saying the people, you have to pay to be able to go down on the edge of the bank and fish for what is coming up the river? I agree with what the good Senator is saying, that we should put a limit on the number of Atlantic salmon that can be caught per season. I agree with him.

My God almighty, there is nothing left in this world today that our citizens can enjoy, unless they have to go out and pay for it. That's what bothers me.

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

Senator PRAY: I move this item lie on the Table until later in today's session.

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

Senator SHUTE: 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 Pray, that LD 538 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.

14 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion to Table until later in today's session does not prevail.

The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Mr. President, and Ladies and Gentlemen, this issue is obviously becoming rather an emotional issue all of a sudden. We talk about the trout and the numbers that's being taken, and the fact that that is being abused. We enforce those laws as best we possibly can. We have to place some emphasis upon what the Department of Marine Resources and the biologists who study the issues have, and some of their recommendations concerning these various problems.

It was the Commissioner's feeling that this was not a bad Amendment, the Committee Amendment. It was a possibility of a step in the right direction. That's why it was sunsetted.

I urge you to go ahead and let's defeat the Amendment that Senator Trotzky is attempting to add. Thank you.

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

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, the salmon season opened up May 1 this year. I have read in the newspaper they've caught quite a few salmon at the Salmon Pool in Bangor. Is this a retroactive bill as far as people catching salmon for this year? It is an emergency bill, or it was when we started. How about the salmon that are already caught? Do we go find out who caught the salmon, and tell them to put the tag on, and how would that work?

Also, I still haven't heard any answer on how it would work out in the commercial fishery end of the tidal waters of the State.

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

Senator USHER: This, in response to the Senator from Waldo, this is one of the main reasons why we want to Table until later today, and see if we could work out, resolving this Amendment being proposed.

Also, in response to the good Senator from Cumberland, Senator Conley, by an act of God, it is by an act of God that we have enough sense to have a restoration program and hatchery program, that we keep money going into those programs, that we do produce the fish. My comparison was to the Fish and Wildlife Department, because that's the problem that we have there, and why wait until two years from now to have a problem with the Atlantic salmon? Let's control it right today. We have the opportunity here. Let's do it now.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Waldo, Senator Shute, that Senate Amendment "A" to Committee Amendment "A" of LD 538 be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeeper will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Brown, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Hichens, Huber, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague.

NAY — Bustin, Carpenter, Charette, Kerry, Trafton, Trotzky, Usher, Violette, Wood.

ABSENT — Clark.

A Roll Call was had.

22 Senators having voted in the affirmative and 9 Senators in the negative, with 1 Senator being absent, Senate Amendment "A" to Committee Amendment "A" Indefinitely Postponed.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I move this item lie on the Table until later in today's session.

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

Senator SHUTE: I request a Division, Mr. President.

The PRESIDENT: The Chair would request of the Senate to which item are they referring?

Senator PRAY: Mr. President, I believe the existing question is the Adoption of Committee Amendment "A".

The PRESIDENT: The Chair would answer the Senator that he is 110 percent right.

A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Pray, that L. D. 538 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.

11 Senators having voted in the affirmative, and 18 Senators having voted in the negative,

the motion to Table until later in today's session does not prevail.

Committee Amendment "A" Adopted, in concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

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

HOUSE REPORT—from the Committee on Public Utilities— Bill, "An Act to Amend the Charter of the Bethel Water District." (H. P. 810) (L. D. 969) Ought to Pass in New Draft (H. P. 1549) (L. D. 1665)

Tabled—May 28, 1981 by Senator SUTTON of Oxford.

Pending—Acceptance of Report.

Which Report was Accepted, in concurrence, and the Bill, in New Draft, Read Once. House Amendment "A" Read and Adopted, in concurrence. Under Suspension of the Rules, the Bill, in New Draft, as amended, Read a Second Time, and Passed to be Engrossed, in concurrence.

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

Senator HICHENS: Thank you, Mr. President. We won't be here tomorrow to say Happy Birthday to our Senate Secretary who in her loving way has served us well for several years and standing there in her place throughout each Senate Session, with her untiring grace. Reading all the bills and such, keeping records straight and making sure the president on issues is not late. Her knowledge of procedures is helpful to us all and she prevents us often from making the wrong call. She is quite small in stature, but she is big of heart and non-partisan in helping each one to do their part in making things run smoothly—as sessions come and go and we all deem it a pleasure this little gal to know. She says pro is opposite from con—a fact most clearly seen, so if pro-gress means to go ahead— what does con-gress mean? Apply that to the Senate and you'll have the answer true, and if you need help to figure it— she's ready to help you. For she has all the answers — at least it seems that way, so it comes very easy to wish Happy Birthday to the Senate Secretary and it's certainly our loss not to be with her tomorrow — our vivacious girl — May Ross. So let your applause loudly resound around the chamber here as we wish for May the best throughout the coming year.

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

On motion by Senator Collins of Knox, Recessed until 12:00 o'clock noon.

Recess

After Recess

The Senate called to order by the President.

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

Papers from the House Joint Orders

Expressions of Legislative Sentiment recognizing:

Hon. Stanley "Tuffy" Laffin, a law and order man of Westbrook, whose bachelorhood has been commuted to a life sentence of matrimonial bliss by the Lady Mildred, his new chief executive. (H. P. 1570)

Lynn Zanchi, of Bangor, who has been named 1981 "Athlete of the Year" at Bangor High School. (H. P. 1571)

Linda Johnson, of Sanford, a member of Girl Scout Troop 610, who has been chosen for a 2-week cultural tour of Southern California. (H.

P. 1572)

Karen Cheney, of Sanford, a member of Girl Scout Troop 610, who has been chosen for a 2-week cultural tour of Southern California. (H. P. 1573)

Mark Sutton, of Augusta, second baseman for the University of Maine at Orono baseball team, 1981 NCAA Northeast Regional Champions. (H. P. 1574)

Mattie Parsons, of Carmel, who will be celebrating the 88th anniversary of her birth on June 18, 1981. (H. P. 1575)

Mark W. Dearborn, of Corinth, Valedictorian of Central High School, Class of 1981. (H. P. 1579)

Michael H. Trafton, of Corinth, Salutatorian of Central High School, Class of 1981. (H. P. 1580)

Miriam Bowden, daughter of Mr. and Mrs. Allen Bowden of Penobscot, Valedictorian of Bucksport High School, class of 1981. (H. P. 1582)

Jennifer Gibbons, daughter of Mrs. Ruth Gibbons and William Gibbons of Bucksport, Salutatorian of Bucksport High School, class of 1981. (H. P. 1583)

Mike Fogarty, of Sanford High School, coached by Bruce McKinnon, who has been named a 1981 All-State Basketball Player. (H. P. 1584)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Committee Reports House

Leave to Withdraw

The Committee on Taxation on, Bill, "An Act to Amend the tree Growth Tax Law." (H. P. 1193) (L. D. 1417)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which was Read and Accepted, in concurrence.

Ought to Pass in New Draft

The Committee on Public Utilities on, Bill, "An Act Relating to the Provisions of the Charter of the Brunswick Sewer District." (Emergency) (H. P. 885) (L. D. 1054)

Reported that the same Ought to Pass in New Draft under Same Title. (H. P. 1577) (L. D. 1672)

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

The Committee on State Government on, Bill, "An Act to Recodify the Maine Guarantee Authority Laws." (H. P. 1302) (L. D. 1515)

Reported that the same Ought to Pass in New Draft under New Title, "An Act to Recodify and Amend the Maine Guarantee Authority Laws." (H. P. 1563) (L. D. 1671)

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

Which Reports were Read and Accepted, in concurrence, and the Bills, in New Draft, Read Once. Under Suspension of the Rules, the Bills 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:

Communication House of Representatives

May 29, 1981

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

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Provide a Referendum to Abolish County Government and Au-

thorize Reassignment of its Functions and Duties to Appropriate State and Municipal Departments and Agencies" (H. P. 1040) (L. D. 1259)

Representative CARTER of Winslow
Representative JALBERT of Lewiston
Representative AUSTIN of Bingham

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

Which was Read and Ordered Placed on File.

Committee Report House

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Authorize Municipal Ordinances Preventing Drinking in Public." (H.P. 146) (L.D. 172)

Reported that the same Ought to Pass..

Signed:

Representatives:

COX of Brewer
SOULAS of Bangor
STUDLEY of Berwick
TREADWELL of Veazie
STOVER of West Bath
PERRY of Mexico
SWAZEY of Bucksport
McSWEENEY of Old Orchard Beach
DUDLEY of Enfield

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

Signed:

Senators:

SHUTE of Waldo
CHARETTE of Androscoggin
VIOLETTE of Aroostook

Representative:

GWADOSKY of Fairfield

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

Which Reports were Read.

The Minority Ought Not to Pass Report of the Committee Accepted.

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

Communication

Committee on State Government

The Honorable Joseph Sewall
President

Maine Senate

State House

Augusta, Maine 04333

Dear President Sewall:

The Joint Standing Committee on State Government is pleased to report it has completed all business placed before it by the First Regular Session of the 110th Maine Legislature.

Total number of bills received — 115

Unanimous reports — 98

Ought to Pass — 13

Ought to Pass as Amended — 24

Ought to Pass in New Draft — 8

Ought Not to Pass — 2

Leave to Withdraw — 51

Divided Reports — 17

Recommitted — 1

Sincerely,
S/DAVID R. AULT
Senate Chairman
S/JUDY C. KANY
House Chairman

Which was Read and Ordered Placed on File.

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

Papers from the House Non-concurrent Matter

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

In the House May 22, 1981, Finally Passed.

In the Senate May 27, 1981, Failed of Final Passage.

Comes from the House, that Body having Insisted.

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

Senator PRAY: I move the Senate Insist and Ask for a Committee of Conference.

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

Senator Perkins: I ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Pray, that the Senate Insist and Join in a Committee of Conference, please rise in their places to be counted.

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

14 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion to Insist and Join in a Committee of Conference does not prevail.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: A parliamentary inquiry.

The PRESIDENT: The Senator may state the inquiry.

Senator PRAY: Mr. President, if the Senate was to Recede and Concur, would we, in effect, be Enacting this Bill, thus requiring a two-thirds vote?

The PRESIDENT: The Chair would answer the Senator in the affirmative. It would require a two-thirds vote to pass it.

Senator PRAY: Mr. President, I request a Division on that.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Receding and Concurring with the House, please rise in their places to be counted.

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

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: 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 would like to pose a question through the Chair to any Senator who is opposed to this Bill, of the Penobscot County Budget. For what reason are they voting against it. What do they intend to accomplish by having a Committee of Conference?

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

Senator PRAY: Mr. President, I'd like to respond to the questions of the good Senator of Penobscot, Senator Trotzky, that he well knows what the answer to the question is. As a matter of fact, the other day, he supported my motion to Suspend the Rules to offer the Amendment, which would put a little bit of accountability into a County of this State, which is basically about a quarter of a million dollars in the red because of deficit spending.

As a matter of fact, at one of the delegation meetings which we had yesterday, which the good Senator failed to make, there was a vote of the delegation of which a majority of those present and voting supported the amendment. In talking to the delegation chairman, it was assessed that the best measure to do this would be for the House to Insist, and the Senate to Insist, to put it into a posture where they could

adopt the amendment.

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

Senator COLLINS: Mr. President, is it true that if we fail to get a two-thirds vote on this Roll Call, that the County of Penobscot will cease to function because it will not have a budget?

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, although the question was answered through the Chair, the Chair answered in the affirmative. For those of you who are familiar with county law, the county would be in a position of operating upon 80 percent of last year's budget.

As quoting the good Assistant Majority Floor Leader about two years ago in reference to a bill dying, the ability of the Legislature to act in emergency situations sometimes can surprise people.

If this did fail to act, I wouldn't be a bit surprised to see this same proposal, or a slightly amended proposal back before us perhaps before this day is over.

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

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate, if we are going to begin with county budgets, I, also would like to have the Oxford County Budget re-called. I'm sure that there's going to be others that would have to be faced with the same situation.

I did not fight the Oxford County budget. You remember my remarks in that regard. For us to open up this budget now, I think we might as well open up every county in the State. Plus, we probably ought to get the referendum vote back out again on whether we're going to do away with county government, and do that before we go home.

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

Senator DEVOE: Thank you, Mr. President. Members of the Senate, to address the concerns that I know trouble the Senator from Penobscot, Senator Pray, I would only point out to you that to the best of my recollection, of all the county budgets that have been passed so far this year, to my knowledge, there is not a county budget that contains the provisions in it that the good Senator wants to insert into the Penobscot County budget. If I am correct, I would be very happy to have him or any other member of this Body correct me.

Perhaps I can pose that as a question. If there are other county budgets that have already been enacted, that have a similar or identical provision to the one that Senator Pray wishes to put into the present Penobscot County Budget we're voting on, I would like to have a member of this Body point out to me which budget it is, and where the language is?

When I discussed the matter with the Senator from Penobscot yesterday, I said I felt the answer to the question is in the voting booth on Election Day. We started the process in Penobscot County two years ago, rather last year, I think the present county commissioners have certainly gotten the message.

I'm willing, after having worked with the county commissioners down here in Augusta, several times at budget meetings, to let them see if they can run the county in a more efficient, and a more fiscally responsible manner than it has been run for the last several years.

I urge each and ever one of you, Senators, who are thinking of supporting Senator Pray's desired Amendment, would you be gutsy enough to stand up on this floor, reopen your own budget, and put that same amendment in your budget? I submit to you, if you are not responsible enough to do that for your own county's budget, then why are you trying to hamstring the passage of this Penobscot County Budget that has gone through more ri-

gamarole, if I may use that word, than any other budget so far this year.

I ask you, members of this Body, please don't support the Senator from Penobscot, Senator Pray's motion, unless you are willing to insert that paragraph in your own county budget. Thank you very much, Mr. President.

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

Senator PRAY: Mr. President, I believe that the beginning of that statement, there was a question directed towards me. First of all, I'm sure that of all the 16 county budgets that have been going through here, or are still yet to go through, that no two of them are exactly the same. I would doubt very much if there is another county budget that went through this Session which had a \$243,000 deficit, in the red. If there is any other county in this State that had that type of irresponsibility from the county level, then I would think that those counties would be putting some type of accountability in that budget.

We, as legislators, are responsible for the taxes that are raised in our municipalities throughout the counties. The amendment, which I tried to offer the other day, because of the stage of the Legislative Process, required a two thirds vote for Suspension of the Rules. A majority of the Penobscot County delegates support this Amendment. The action by the majority members of this delegation is on our calendar today, when the House Insisted.

At this meeting the delegation had yesterday, a majority of those there supported the Amendment. The other day, when we had asked for Suspension of the Rules in this Chamber, of those of us who live in Penobscot County, it was only the Senator from Penobscot, Senator Devoe, that opposed that motion. Myself, the Senators from Penobscot, Senator Trotzky, and Senator Emerson, and the President, the other day supported that motion. They were in favor of that Amendment.

The involvement that we have here today, and I apologize to the rest of you, to bring you into a little family squabble of Penobscot County, but the procedure allows that to take place. That's why we have the bills go through this Session, why we have the First Reading, the Second Reading, and the Enactment.

If I had been a little bit more awake, I would have caught it on the Second Reading, because some of us had met at one meeting. We thought that language was in the Bill. When I saw the Enactment, I saw it wasn't in there, and that's when I attempted to address what we, at a delegation meeting, had said we would put into that budget.

The Senator from Oxford, Senator Sutton, had the opportunity to go whichever way he wanted to go. It is my understanding he was not of the majority opinion of his delegation. In his better judgement, he decided not to offer any type of amendment. That was his option, but he had the option to do so.

I would hope that we would not, and that we would allow the majority of the people from Penobscot County, who are elected, and serve in this Legislature, House and Senate, an opportunity to put in there what we thought was going to be in there to start with.

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

Senator TROTZKY: When the Penobscot delegation met yesterday, there were only eleven members there. Seven voted for the Amendment. Four voted against the Amendment. On the Floor yesterday, I did support Senator Pray. The Amendment failed. It's now time to Enact the Penobscot County Budget.

The PRESIDENT: The pending question before the Senate is to Recede and Concur with the House.

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

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, Devoe, Dutremble, Emerson, Gill, Hichens, Huber, McBreairey, Minkowsky, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, The President J. Sewall.

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

ABSENT—None.

A Roll Call was had.

22 Senators having noted in the affirmative and 11 Senators in the Negative, with No Senators being absent, the motion to Recede and Concur with the House does prevail. The Resolve having been signed by the President, was by the Secretary presented to the Governor for his approval.

Non-concurrent Matter

Bill, "An Act to Protect Persons with Children Against Discrimination in Fair Housing." (S.P. 620) (L.D. 1625)

In the House May 28, 1981, Passed to be Enacted.

In the Senate May 28, 1981, Failed of Enactment.

Comes from the House, that Body having Adhered.

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

Senator CONLEY: Mr. President and Members of the Senate, I would move that the Senate Recede and Concur. When the vote is taken, I request it be taken by the Yeas and Nays.

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

Will call 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 Knox, Senator Collins.

Senator COLLINS: Mr. President, a question arose after our debate yesterday on this matter. I presented that question to one of the lawyers on the Legislative Staff. The question was whether a municipality may adopt its own ordinance that would encompass the same rules that are here suggested to be forced on private property over the whole State. The answer was in the affirmative. If a town or city has a Charter, under Home-rule, that town or city may adopt an ordinance that would cover this same material.

The reason that I inquired about this is because I have, as I think we all do, a sympathy for families with children. In my own Legislative District, we do not have this problem. I have not heard of anything of this sort. I have rented apartments to families with children. I think, in general, in the smaller towns and rural sections of our State, there is no problem. As far as I can tell, it's largely a Portland, Lewiston, perhaps Bangor problem. I expect that each of those cities could solve their own problems without putting upon all the landlords and homeowners and cottage owners in the State this kind of rule that takes away much of their freedom over their own property.

I would hope that you might take that into consideration as we vote upon this today, and that we would vote no on the pending motion.

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

Senator CONLEY: Mr. President and Members of the Senate, what the good Senator from Knox, Senator Collins, said is true. One could, I suppose, initiate a statutory referendum within a community and go to the full community to have them vote on it. Unfortunately, municipal bodies sometimes are as narrow-minded as the

vote that was cast in this Senate yesterday.

I ask every member of this Senate in good conscience, are property rights far more important than human rights? I know where I come down on that side of the hammer. The Bill before you, as I've stated time and time again, does absolutely nothing at all. It opens the door and one foot has come in. Future Legislatures are going to decide as to whether or not another step shall be taken. It will only be taken, it could be taken backwards to repeal, it could be taken forward to make a more progressive step. That is something that will have to be weighed by other individuals who are going to be filling these seats.

We're all common individual people in this Chamber. Some may even go on to higher and higher office in this land. Some in the United States Senate, some in the Congress of the United States, some even may aspire to be Governor. I don't seek any of those offices. If I did, I would certainly want to be out front letting people know that my primary concern is the human rights of every citizen in this State, and particularly children are not going to be denied the right to have an apartment or a flat or a roof over their heads. That's what we're voting on today. We're not voting for landlords. We're not voting for real estate agents, or development corporations. We're voting for human rights of individuals who are being economically deprived in one sense, and blatantly denied because people dislike children. This Bill takes one step into the threshold. If it's denied today, it's a sin on the State of Maine and a sin on this Body.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, 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—Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Emerson, Hichens, Kerry, Minkowsky, Najarian, O'Leary, Pray, Trafton, Usher, Violette, Wood.

NAY—Ault, Collins, Devoe, Gill, Huber, McBreairey, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky.

ABSENT—None.

A Roll Call was had.

18 Senators having voted in the affirmative and 14 Senators in the negative, with No Senators being absent the motion to Recede and Concur with the House does prevail.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, having voted on the prevailing side, I now move the Senate Reconsider its action.

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 it voted to Recede and Concur with the House.

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.

Committee Report House

Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act to Make Drinking in an Unlicensed Place a Class E Crime." (H.P. 1011) (L.D. 1207)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-426).

Comes from the House, Bill and Papers Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the

Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President, I move this item be Tabled.

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

Senator KERRY: A parliamentary inquiry. Would that be Tabled Unassigned?

The PRESIDENT: The Chair would have to answer in the affirmative.

Senator KERRY: I would ask for a Division please.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Devoe, that LD 1207 be Tabled, please rise in their places to be counted.

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

The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: 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 pending question before the Senate is the motion by the Senator from Penobscot, Senator Devoe, that LD 1207 be Tabled.

A Yes vote will be in favor of the motion to Table LD 1207.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Collins, Conley, Devoe, Gill, Huber, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Violette.

NAY—Brown, Bustin, Carpenter, Charette, Clark, Dutremble, Emerson, Hichens, Kerry, Pray, Usher, Wood.

ABSENT—None.

Senator Charette of Androscoggin was granted permission to change his vote from Nay to Yea. A Roll Call was had.

21 Senators having voted in the affirmative and 11 Senators in the negative, with No Senators being absent, the motion to Table does prevail.

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

Enactors

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

AN ACT Relating to Veterans' Tax Exemptions. (S.P. 236) (L.D. 654)

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

AN ACT to Amend the Rule-making and Review Process of the Maine Administrative Procedure Act. (H.P. 1542) (L.D. 1657)

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

AN ACT to Increase Local Control of Water Districts. (S. P. 629) (L. D. 1638)

AN ACT to Amend the Site Location of Development Law to Protect Ground Water. (S.P. 632) (L.D. 1647)

AN ACT to Authorize a Waste District for the Town of Milbridge in Washington County. (S.P. 636) (L.D. 1651)

AN ACT to Encourage Small Power Production Facilities. (S.P. 638) (L.D. 1653)

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)

AN ACT to Regulate the Use of Motor Vehicles on Ice-covered Bodies of Water. (H.P. 992) (L.D. 1180)

AN ACT to Establish an Emergency Radiological Response System. (H.P. 1518) (L.D. 1633)

AN ACT to Amend the Maine Securities Act. (H.P. 1541) (L.D. 1656)

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)

AN ACT to Establish Rights for Residents of Nursing, Boarding and Foster Homes. (H.P. 1545) (L.D. 1659)

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

AN ACT to Establish the Municipal Cost Components for Services to be Rendered in Fiscal Year 1981-82. (H.P. 1290) (L.D. 1484)

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

Senator MCBREAIRTY: Mr. President, Honorable Members of the Senate. If I seem a little upset in the next few minutes it is because I feel I rightly am.

L.D. 1484 "An Act to Establish a Municipal Cost Component for Services to be Rendered in Fiscal Year 1981-82" is a Bill that for the past few years has been sailing through the Legislature with very little attention by any of us. Until this year more time has been given to one bear bill, or one salmon bill, than has been given to this multi-million dollar bill.

This vehicle is used to determine the amount of tax assessed the properties in the unorganized territories for county tax, and services provided the people in the unorganized territories by the County Commissioners and the State of Maine.

Contrary to what some of you may believe, all of the property in the unorganized territory does not belong to the big bad paper companies. In fact 48 percent of the property in unorganized townships belong to the people from many walks of life.

People with arms, legs, who walk, talk, pay taxes and have feelings just like you and I.

One of the reasons I view unorganized territory differently than many of you is because I represent a large percentage of the people living in unorganized territory in Aroostook County, people who are not only my constituents but also my relatives, neighbors and friends.

Early in this session I got interested and decided to do a little research on the so-called cost component. I was curious as to how my constituents, relatives, neighbors and friends were being treated by the County Commissioners and the State of Maine.

As soon as I started my research, I realized that there were numerous misunderstandings about the municipal cost component. Some agencies apparently believed that they were entitled to claim the total amount expended in the unorganized territory regardless of whether the expense was one which would not have been borne by the state if the territory were a municipality. Some agencies apparently believed that they were entitled to the total amount certified regardless of actual expenditures.

Believe me, I have been shocked at what I have found and feel it my duty to share with you some of my findings.

I have found absolutely no accountability of the taxes assessed for our people in unorganized territory either at the county or the state level.

I have found that the people we represent in the unorganized territories over the last few years have been "ripped off" by both the

County Commissioner and the State of Maine at the tune of hundreds of thousands of dollars.

I'm going to go down through each item in L.D. 1484 and try to explain each item and give you my opinion as to what has been going on.

The first item on the top of the page, if you have the Bill handy, is the unorganized share of the Forestry District Tax. Early in the Session, when I asked Conservation to justify the figure they had, they were unable to do so. After we went through the law and checked it out and found what they were supposed to do, they cut that item by \$207,000.

Item 2, Maine Land Use Regulation Commission. For three years, the past three years, every bit of the Maine Land Use Regulation Commission's Budget has come from property tax in the unorganized territory, even though they serve the whole State of Maine. I think LURC's Budget, coming totally from unorganized property taxes, is as illegal as a three dollar bill.

Secretary of State. This item is justified because they do set up voting booths in the unorganized areas, and adjacent communities, and therefore, we pay for that.

Property Tax Assessment. It goes to the Bureau of Taxation for the assessing of the property.

County Reimbursement for Services. This item has been terribly abused. Counties have deliberately requested much, much more than they needed, built up huge surpluses, and used these surpluses, interest free, to run their counties on. This past year, the counties totally, the total number of counties spent \$1.1 million. They ended up at the end of 1980 with a surplus of \$2.5 million, more than 2 years' needs. They're back in this Bill for an additional \$1.4 million. If we didn't give them a cent in this Bill, most of them would still have a healthy surplus by the end of 1981.

If the balances that these counties have been carrying, that belong to these people in the unorganized territory had been invested, at the present interest rates, it would have brought in more than \$300,000 in the past year, \$300,000 that could have been used to reduce their taxes or give more service.

I'm going to give you an example of what's been going on. I'll use Hancock County, and I'll use Aroostook. Hancock County with an average expenditure of about \$20,000 ended up 1980 with \$232,000 balance, ten years' needs. Ten years' needs, at the present rate of spending. They're back in here in this Bill with the request for \$50,000.

Aroostook, Aroostook County, with an average expenditure of \$175,000, has a balance of over a half a million dollars. They haven't come in with a request as yet. I threw a monkey wrench in their wheels and they're having a little hard time to get it going.

Washington County, with an expenditure of \$125,000 this past year, has over a half million dollars surplus. These surpluses, in most cases, are being used interest free.

In Aroostook, they have requested money, large sums of money for road repair and snow removal in townships that don't have any public road whatsoever, not one inch. It goes into the surplus so that they can use it interest free.

The next item is Education. I don't know how many of you realize it, but in the unorganized territory there is absolutely no reimbursement. Every nickel of their education is paid for by the property tax in the unorganized territory. They never did eliminate the un-uniform property tax in the unorganized, so therefore, their evaluation, by adding them all together, gives them a total evaluation that eliminates any reimbursement.

The last item, Human Services, General Assistance. This account has been greatly abused. In 1978, they requested \$300,000 for General Assistance in the unorganized territory. They sent a memo back on June 11, 1979, saying that their

files would show that they spent the \$300,000. When we dug into the files, we found that they had only spent \$121,000. In 1979, they requested \$191,000, they only spent \$130,000. In 1980, they requested \$175,000, that year is not out, but their final request for this year was \$169,000, so it has to come somewhere between \$130,000 and \$169,000.

If you take these amounts, and add them up, if you give them nothing this year, they should end up this following year with at least \$100,000 surplus, if this money hadn't lapsed into the General Fund.

The State Police stuck their request in for two years in a row of \$150,000. Before I came down here to the Session in January, I called the State Police. Says, what are you doing for the unorganized territory that you're not doing for me? Their answer was nothing. They finally sent a memo to the Budget Office and stated that, after looking over the law, they decided that they shouldn't be in there at all. In the meantime, they hooked the unorganized people for \$300,000.

I have appreciated very much the effort made on my behalf by Senator Teague and the Taxation Committee; Senator Perkins and the Local and County Government Committee in making a start, a slight start, in correcting the great inequities in the way this Cost Component Law has been administered.

I still have some serious questions yet to be answered. Questions that may have to be answered through the courts.

The mismanagement of taxpayers' money that I have just pointed out to you is a perfect example of what can be uncovered by an Audit and Program Review, uncovered problems that have gone undetected for several years by the committee directly involved with this innocent-looking piece of legislation. Most times, committees that deal with these things, naturally don't have time for the research that I have done.

If any of you doubt any of the statements I have just made, I believe I can produce documentary proof that every statement I have made here today is true.

Thank you very much.

I don't intend to try to amend this Bill, but believe me, you could cut some money off of it, and still they wouldn't suffer any. Thank you.

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

Senator TEAGUE: In defense of the Taxation Committee, this was a unanimous report from the Committee.

The Cost Components started out back in 1978 when the Uniform Property Tax was repealed, and we had to set up the unorganized territory as a municipality.

In the last few years, the Taxation Committee has just been getting figures, and we just started in '78-'79, and this year, in defense of the Taxation Committee, we had work sessions. We had public hearings. We had the different department heads come down to the Taxation Committee, as the good Senator knows, and he even came to a couple of our work sessions on this.

The only thing I have in defense of LURC is that in past years it has been funded 90 percent by the Cost Components, and 10 percent by the General Fund. This year the Taxation Committee decided, I mean, that those proportions were wrong so we are funding it at the rate of 75 percent from the Cost Components, and 25 percent from the General Fund. The Secretary of State and Property Tax Assessment will remain the same, there was no problem there.

County Reimbursement, there's a Bill that went in front of Local and County Government, I think, it was LD 1291, that is going to make the Legislative Delegations ask the County Commissioners for their report and audit for their unorganized territory. At the present time you just have to look at the organized territory when you look at your county budget, but

in the new LD 1291 it's going to make the Legislative Delegation look at the unorganized portion of it.

As far as the General Assistance, they ask for \$210,000 this year, and the Taxation Committee cut \$100,000 off that, giving them \$110,000. This is, I think, the best we could do in the time frame that we had. I know, as more figures come in, and the good Senator from Aroostook continues his study, we'll have better figures in the future.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is Enactment of LD 1484.

The Chair recognizes the Senator from Aroostook, Senator McBreairsty.

Senator MCBREAIRTY: I'd like 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 Enactment of LD 1484.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeeper will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Bustin, Collins, Emerson, Gill, Hichens, Huber, Najarian, Perkins, Pierce, Sutton, Teague, Trafton, Trotzky, Usher, Wood.

NAY—Ault, Brown, Carpenter, Charette, Clark, Conley, Devoe, Dutremble, Kerry, McBreairsty, Minkowsky, O'Leary, Pray, Redmond, Sewall, C.; Shute, Violette.

ABSENT—None.

A Roll Call was had.

15 Senators having voted in the affirmative and 17 Senators in the negative, with No Senators being absent, LD 1484 Failed of Enactment, in non-concurrence.

Sent down for concurrence.

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1981. (H.P. 1548) (L.D. 1661)

This being an emergency measure and having received the affirmative votes of 28 Members of the Senate, with No Senators having voted in the negative, was Finally Passed and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Paper from the House Joint Order

ORDERED, the Senate concurring, that Bill, "An Act Authorizing a Bond Issue in the Amount of \$29,000,000 for the Purposes of Fostering Agricultural and Economic Development in the State of Maine." Senate Paper 488, Legislative Document 1428, be recalled from the Engrossing Division to the House. (H.P. 1587)

Comes from the House, Read and Passed.

Which was Read.

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

Senator PIERCE: Mr. President, I wonder if some member of the Senate might enlighten us to the necessity of this recall order.

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

Senator EMERSON: Mr. President, Ladies and Gentlemen, I have a note here that says there are errors in the Bill, and that they need

to be corrected.

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

Senator PIERCE: Mr. President, I would move this item lie on the Table until later in today's session.

(Senate at Ease)

The Senate called to order by the President.

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

Senator PIERCE: Mr. President, I would ask the Senate, Leave to Withdraw my motion to Table until later in today's session.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, requests Leave of the Senate to Withdraw his motion to Table HP-1587 until later in today's session.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

Which was Passed, in concurrence.

Sent forthwith.

Order

An Expression of Legislative Sentiment recognizing:

The Bangor High School "Rams" baseball team, 1981 Penobscot Valley Conference Class A Champions. (S.P. 652) presented by Senator TROTZKY of Penobscot (Cosponsors: Representative ALOUPIS of Bangor, Representative KELLEHER of Bangor and Representative DIAMOND of Bangor).

Which was Read and Passed.

Sent down forthwith for concurrence.

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 Relating to the Public Utilities Commission Officials, and Employees' Compensation." (H.P. 577) (L.D. 657) have had the same under consideration, and ask leave to report: that the Senate Recede from its action whereby the Bill was Passed to be Engrossed, as amended by Committee Amendment "A" (H-317); recede from its action whereby it adopted Committee Amendment "A" and Indefinitely Postpone same; adopt Conference Committee Amendment "A" (S-312), submitted herewith; and Passed the Bill to be Engrossed, as amended by Conference Committee Amendment "A"; that the House recede and concur with the Senate and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A".

On the Part of the Senate:

AULT of Kennebec
GILL of Cumberland
TRAFTON of Androscoggin

On the part of the House:

DAVIES of Orono
WEBSTER of Farmington
DILLENBACK of Cumberland

Which Report was Read and Accepted.
Sent forthwith.

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

Paper from the House Non-concurrent Matter

Bill, "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law." (H.P. 1411) (L.D. 1576) (Emergency)

Bill recalled from Legislative Files pursuant to Joint Order H.P. 1569.

Comes from the House, Passed to be Engrossed as amended by House Amendment "B" (H-319), "D" (H-329) and "E" (H-503), in non-concurrence.

The PRESIDENT: The Chair recognizes the

Senator from Aroostook, Senator McBreairty.
 Senator McBREAIRTY: Mr. President, I move we Recede and Concur.

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

Is this the pleasure of the Senate?

The motion prevailed.

Order

An Expression of Legislative Sentiment recognizing:

Shaw Mudge, owner of the Pineo Point Fisheries and part-time resident of Harrington, who was selected as 1981 Small Business Person of the Year in Connecticut. (S.P. 653) presented by Senator BROWN of Washington.

Which was Read and Passed.

Sent down forthwith for concurrence.

Orders of the Day

The President laid before the Senate:

Bill, "An Act to Provide Photographic Nonalterable Drivers' Licenses and Identification Cards." (H.P. 1555) (L.D. 1666)

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

Pending—Motion of Senator AULT of Kennebec of Reconsider Passage to be Engrossed.

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

Senator EMERSON: Is it proper to offer an amendment at this time?

The PRESIDENT: The Chair would answer that the motion pending before the Senate must be disposed of, which is Reconsideration.

On motion by Senator Ault of Kennebec, the Senate voted to Reconsider its action whereby LD 1666 was Passed to be Engrossed.

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

Senator EMERSON: I now offer Senate Amendment "A" to LD 1666 and move its adoption.

Senate Amendment "A" (S-307) Read and Adopted.

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

Sent down for concurrence.

The President laid before the Senate:

Bill, "An Act to Provide for a Commission to Propose a Method of Providing Volunteer Legal Services." (S.P. 634) (L.D. 1649) (Emergency)

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

Pending—Enactment.

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

Senator SUTTON: Mr. President, I'd like to pose a question through the Chair to the Chairman of the Judiciary Committee.

This, as I read this Bill, it seems that it's something the Bar Association is going to fund and do, and I'm just wondering why the necessity of any Legislation? Why the Bar Association can't carry out this particular duty without any Legislation?

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

Senator DEVOE: Thank you, Mr. President. Mr. President, Members of the Senate, to answer the question the good Senator from Oxford, Senator Sutton, this Bill that is before us now, and that I hope to be able to offer an Amendment to remove the Emergency Clause, is not a bill to put in place another Pine Tree Legal Services, in the event that Pine Tree is de-funded, later on this year, by Congress.

What it is an attempt to do, is to place in the statutes a mechanism by which the Maine Bar Association can provide up to \$10,000 of funds generated entirely by dues, payments, by Bar Association Members to study the rather large

problem we have in this State, and that will become even larger in the event Pine Tree is de-funded. That problem is providing some mechanism of legal services, making legal services more widely available to poor people, indigent people, either on a non-payment basis or on a reduced fee basis.

Cumberland County apparently has a large operation going that is funded by the Cumberland Bar Association, and it was our hope in Committee that we could pass this bill so that funds could be provided, for the Department of Finance and Administration to administer, to pay a group between now and next January, to study this problem and report back to us next January, whether or not there ought to be a formal mechanism put in place to provide legal services to the indigent.

To answer the question of the good Senator from Oxford, I suppose that it can be done by the Bar Association, whether we pass this law or not. This amendment is one that has been offered by men who are members of the Maine Bar Association who have been lobbying to see this Bill pass. They want very much to have some Legislative push behind the effort, I guess, in the assumption that it will get greater acceptance of the membership at their summer meeting next month down in Kennebunk.

Thank you very much, Mr. President.

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

Senator MINKOWSKY: Mr. President, Members of the Senate, I'd like to propose a question through the Chair to the good Senator from Penobscot, Senator Devoe, with his knowledge which apparently he is well versed on relevant to this particular issue.

Do you anticipate, after the study is completed, that there might be a subsequent Bill coming up in a next Session that will mandate any State funding, along with the Bar Association, to meet the problem of the indigent?

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

Senator DEVOE: Thank you, Mr. President. To answer the question the good Senator from Androscoggin, Senator Minkowsky, it is impossible at this time to tell what the proposal might be in January. It's going to depend on how much cooperation can be obtained from the individual County Bar Associations, because this is going to have to be done on a county, by county basis.

If the level of consciousness of the individual Bar Associations in the counties can be raised to the point where they will voluntarily take some action and try to get something going on a local basis in Lewiston-Auburn, in Bangor, in Augusta, in every county seat, then I suppose that no State funding would be called for.

I am told the Supreme Judicial Court is intending to speak very forcefully to the Maine Bar Association to prompt them to act and get something in the next few months so that there will be something on a county basis that will be in place to begin to take over the load or work that may be there in the event Pine Tree is de-funded.

At this time I cannot tell, and I don't think any member of the Judiciary Committee would dare hazard a guess, whether the proposal that we hope will be submitted next January will call for any State funding or not. It's too early to tell at this time. It will depend on how much each County Bar Association wishes to cooperate, and I guess the thinking of the board of Governors of the Maine Bar Association is if we can get this Legislative Enactment simply authorizing this to take place, that that might have greater influence with the members when they vote on this, I believe, at their summer meeting next month.

So, that is the reason why we are doing it this way, Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for

the question?

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Mr. President, I offer Senate Amendment "A", under filing number S-306, and move its Adoption, and would speak briefly to my motion.

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

Senator SUTTON: Just a Point of Order, Mr. President. Is that Bill in this position?

The PRESIDENT: It will be necessary for the Rules to be Suspended and Reconsider En-grossment.

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Mr. President, I so move that the Rules be Suspended for purposes of Reconsideration.

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

Senator SUTTON: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, I'd like to pose a question through the Chair to the good Senator from Penobscot, Senator Devoe.

The PRESIDENT: The Chair would advise the Senator of the Motion before the Senate is not debatable.

Will all those Senators in favor of Suspending the Rules, please rise in their places to be counted.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I request the Yeas and Nays.

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

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

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

The pending question before the Senate is the motion by the Senator from Penobscot, Senator Devoe, that the Senate Suspend its Rules.

A Yes vote will be in favor of Suspending the Rules.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Kerry, McBreairty, Najarian, O'Leary, Pray, Trafton, Trotzky, Usher, Viollette, Wood.

NAY — Ault, Gill, Hichens, Huber, Minkowsky, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague.

ABSENT — None.

A Roll Call was had.

20 Senators having voted in the affirmative and 12 Senators in the negative, with No Senators being absent, the motion to Suspend the Rules does not prevail.

This being an emergency measure and having received the affirmative votes of 18 Members of the Senate, with No Senators having voted in the negative, L. D. 1649 Failed of Enactment, in concurrence.

The President laid before the Senate:

Bill, "An Act Concerning Minimum Limits Required under the Financial Responsibility Law." (H. P. 1455) (L. D. 1596)

Tabled—Earlier in the Day by Senator CONLEY of Cumberland.

Pending—Enactment.

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

Senator CLARK: Thank you, Mr. President. Mr. President, I move that L. D. 1596 and all accompanying papers be Indefinitely Postponed, and would speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator CLARK: Thank you, Mr. President. Men and Women of the Senate. I think that this is the first time for me, in all my years of Legislative experience, that a Bill would reach the Enactment stage and that I would attempt to Indefinitely Postpone it.

I do it simply because, I think, that we made a mistake. This in no way blemishes the integrity or the good intent of the Joint Standing Committee on Judiciary, for I do believe it was the original intention of the Bill, as reflected in the Committee Report, to raise the limits for those people who have to prove financial responsibility, to raise the basic limits under Maine's Financial Responsibility Law.

I guess that we have to recognize in this instance that it is those people who have to file, under Maine's Financial Responsibility Law, who have been involved in an accident, and have not carried insurance. Maybe I don't have too many problems with raising the limits for those people who have to file, but what we've done with L. D. 1596, as amended, by my good friend from Androscoggin, Senator Trafton, is place Maine first in the Nation, relative to basic minimum rates.

I believe that the Senator from Penobscot, Senator Devoe, who Chairs the Committee on Judiciary, has received the same memorandum from the Department of Business Regulation, as have members of the Committee on Business Legislation, who met in an informal Committee meeting yesterday afternoon, nine members of that Committee, and voted unanimously to support Indefinite Postponement.

Unfortunately, or fortunately, for that matter, the Bill is in the Senate, having been Enacted in the House. My purpose here is to place it in non-concurrence so that it won't be just the Senate who speaks, but the other Body. The Bill was Enacted and sent forthwith in the other Body. It was only at that point that the other Body's attention was drawn to the ultimate impact of this Bill.

It doesn't affect just those people who must file under Maine's Financial Responsibility Law. It affects all Maine policyholders, all Maine automobile drivers who carry automobile insurance, bodily injury, property damage, and so forth. It means that all insurance rates across the State are going to be raised, because the minimum level of insurance coverage has been raised. How has it been raised? It's been raised so that Maine's minimum limits are highest in the Nation.

As an aside, it must be recognized that if those who must file under Maine's Financial Responsibility Law generally are those people who must drive, "at risk", and indeed, at the risk of those who do carry insurance. Why don't they have insurance? The reason, in large part, is indisputable. They can't afford it. The Bill does not limit its effect on those people. It affects everybody.

I would submit to members of this Body that in a time of financial crunch, and indeed, crisis, that it is entirely inappropriate that Maine lead the Nation in raising its minimum basic level of what is called in general terms, "automobile insurance coverage." Our citizens are in no position to pay the increased premium. They can't afford it. First in the Nation, as amended, the Bill provides that we are going to have what is called 25/50/20. There are only five other states that have coverage which does not match this, but has 25/50/10, Minnesota, North Carolina, North Dakota, Rhode Island, and Virginia. Maine is the only one that stands out there. Can you afford to pay increased automobile insurance coverage? Can your constituents absorb additional costs? When there has been, to my understanding, little justification to raise the minimum limits.

I would read the memorandum in part, or perhaps entirely into the Record. The memorandum provides an analysis: "First of all a change in the minimum financial responsibility limits will impact most dramatically on indigent and low income individuals and families who carry insurance simply to comply with the Financial Responsibility Law, or for their own peace of mind. In most cases, out of economic necessity, the minimum limits are selected. Why? Because people can afford no more than the minimum limits. The increase in limits will force a substantial percentage of these people to go without insurance. How many is debatable.

Secondly, the increase in minimum limits will impact upon the residual automobile market," the assigned risk market, "In that a very high percentage of policies are written at minimum limits, and by virtue of their being "assigned risks" because of driving record, etc., they are written at substantial premiums. The increased cost of higher limits will force more drivers into the uninsured category. Once again, how many is debatable.

Third, since the Uninsured Motor Limits of Title 24-A M.R.S.A. Section 2902 are tied to the Financial Responsibility Limits of 29 M.R.S.A. Section 787 and since this coverage is required on all motor vehicle liability policies issued in Maine," all motor vehicle liability policies issued in Maine, I repeat, "it affects nearly all automobile policies issued in the State.

The current cost of Uninsured Motorist Coverage at the present minimum limits is approximately \$4 to \$7 annually. The estimated increase in Uninsured Motorist Coverage premiums would be \$1 or even \$2 per policy." It's not that \$1 or \$2 per policy, Member of the Senate, is going to make or break you and me. It may indeed make or break our constituents, some of them who are in lower income brackets, but it will also, I feel sure, make uninsured Motorist Coverage even more unpopular than indeed it already is.

"In terms of overall financial impact, the Bureau of Insurance estimates that a mandated increase from the current limits of 20/40/10 to 25/50/20 will increase liability insurance premiums from 6 percent to 9 percent for those policyholders presently insuring at limits below the proposed new limits." Candidly, people, that affects me, even though that's not the purpose of my motion, because I can't afford any more than the basic minimum coverage.

"Another major point for our consideration here this afternoon is that the majority of policies being written currently are on a Combined Single Limit basis. Combined Single Limit simply means that the per accident and property damage liability limits are aggregated. For example, the current Financial Responsibility Limits of 20/40/10 would be expressed as \$50,000 Combined Single Limit (\$40,000 per person bodily injury, \$10,000 for property damage).

Conversion of the current Financial Responsibility Limits to a Combined Single Limit is relatively simple. However, the Combined Single Limit equivalent under the proposed bill would be \$70,000 Combined Single Limits. At the present time, insurance companies are offering a Combined Single Limit of \$100,000 as the limit which would most nearly represent the proposed liability limits that would cost more dollars.

From an insurance perspective, selection of the split limit of \$25,000/50,000/20,000 is an odd combination. No other state in the Union has adopted that combination. The value placed on an automobile (20,000) is nearly equivalent to that placed on a human life (25,000), or lives (50,000). Insurance companies, in this age of the computer, are programmed to handle standard combinations such as 20/40/10, 50/100/25, etc., but not the combinations proposed. While this may appear to be a minor point, it is non-

etheless significant.

Accompanying this memorandum was a survey of the other 48 states, the District of Columbia, and Canadian Provinces, which reflects my contention that there is not another state in the nation who has adopted the limits proposed in L. D. 1596, as amended.

Finally, the memorandum reads: "the current Financial Responsibility Limits of 20/40/10 places Maine among the top ten in the country." Already, our current limits are among the top twenty. The 25/50/20 would place it first in the nation.

Again, I thank you for indulging me in reading this in part, this rather long memorandum into the Record. I urge urgently and sincerely, solicit your support on the pending motion, and compliment the Judiciary Committee on its good intentions to address a selected portion of Maine's Insurance Laws, and unintentionally, I feel sure, affecting all of Maine's Automobile Insurance Laws. Thank you, Mr. President.

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

Senator CONLEY: Mr. President, Members of the Senate, this little innocuous Bill, which I certainly thought was innocuous, I have never seen one raise so much smoke in the last several days as this one has. In fact, it hasn't been just a little smoke, it's been a raging forest fire.

It is my understanding we were primarily raising the Financial Insurance Risk only to find out that one, any one who buys an insurance policy, is mandated by law, or anyone who has liability insurance is mandated by law, also, to have Uninsured Motorist Coverage. That is increased. The premium is increased under this Bill.

It, also, as the good Senator from Cumberland, Senator Clark, has stated, has triggered off the whole automobile insurance rates right across the board. It is my understanding now that there is something like, this will be a percent increase on top of everybody's coverage.

It certainly was not my intention, as a member of the Judiciary Committee, nor several other members I know that raised some questions with the Bill when it was before us, and I was always wondering, after awhile, I thought I was serving on the Business Legislation Committee when I saw this Bill and another Bill that came before us. The other one I strongly supported, and that was the one dealing on Wrongful Debt.

I was totally unaware of the ramifications that were being made by this document, and I am not in any way going to demean the individuals who sponsored the Bill, the person who represented the interests involved with the Bill, because of the fact that any questions that were asked, information was presented, and I'm sure it was presented in openness and total honesty.

The problem is though that sometimes, well, there's an old saying, I guess, that "a little knowledge is dangerous," and the fact was that we didn't get all the facts that we should have had before, I think, we made a definite determination or decision upon this Bill.

I have great reluctance today to support this in its Enactment form. I'm not sure if it can still be salvaged by someone who knows a little bit more about it than I, and back this thing up and amend it, so that it does not have the overwhelming effect that it would take upon the citizens of this State.

Secondly, it's my understanding, even with the present amendment, as you know last week, an amendment was offered by the good Senator from Androscoggin, Senator Trafton, that allegedly brought these things way down. If we hadn't done that, I imagine what would have been, something like a 29 percent, 33 percent increase.

I think we should take a very, very careful look and examine this legislation before we take another final step with it.

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

Senator DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate, two points to clarify. I agree that the memorandum prepared by Business Regulation Commissioner DeVane does say that the estimated increase in Uninsured Motorist Coverage premiums would be \$1 or \$2 per policy. I don't think that's any big deal.

Secondly, and I think here is where there may have been an unintentional statement by the Senator from Cumberland, Senator Clark, that this 6 to 9 percent increase is going to effect every insurance policy sold in the State. I beg to differ. I want you to listen very carefully to the one sentence that I will read you from Commissioner DeVane's report. "In terms of overall financial impact, the Bureau of Insurance estimates that a mandated increase from the current limits of 20/40/10 to 25/50/20, will increase liability insurance premiums from 6 to 9 percent for those policyholders presently insuring at limits below the proposed new limits."

That means if you are presently driving around with a 20/40/10 policy, passage of this law will state that you will the next time you renew, will have to have a 25/50/20 coverage, and that your premium for that minimum coverage will rise from 6 to 9 percent. If you presently have a policy at that limit or above, this memorandum does not say that your current insurance premiums are going to rise 6 to 9 percent. It says "that it will rise 6 to 9 percent for those policyholders presently insuring at limits below the proposed new limit." Okay? I think that's something that we should all understand.

I wish that the Department of Business Regulation perhaps had been able to provide this information. It would have been a help to all the Committee members. I don't want members of this Body to vote today thinking that they are going to be voting for something that's going to cause an automatic increase in every car insurance liability policy sold in the State of Maine of 6 to 9 percent, because that just is not true.

What it does mean is for those few people out there, who are driving around, with a minimum coverage now, or who after the effective date of this act will have to purchase coverage, their cost will increase from 6 to 9 percent for that minimum coverage.

It gets down to balancing, as virtually every proposed bill that we have here comes down to. I grant you and I admit readily that passage of this Bill will cause the cost of Uninsured Motorist Coverage to increase 6 to 9 percent. I admit that. I go on to say, however, that balance against that increase is the financial disaster reaped upon a person who was hit by an uninsured motorist, who has no coverage whatsoever. If you've ever talked with somebody in that position, as I have, who has received tremendous personal injury, and a judgment, ten judgments against that person wouldn't be worth the paper they're written on. That's when the crunch comes.

I submit to you that it's not an unreasonable increase in the limits, when you consider that the last time this law was amended was 1969, 12 years ago. What does that average out to, over 12 years, if we're saying that we're playing catch up now, in 1981? 1.3 percent, something like that? 1.4 percent per year over 12 years? The increase from 20 to 25 is a 25 percent increase. All right, it's going to be about 2 percent a year for the last 12 years. We're now catching up. Is that a disaster? I submit to you, it is a reasonable 2 percent increase averaged out over the last 12 years.

I ask you to consider these facts, members of the Senate, before you vote on the pending motion. I strongly urge you to oppose the pending motion. Thank you very much.

On motion by Senator Collins of Knox, Tabled

for 1 Legislative Day, pending the motion by the Senator from Cumberland, Senator Clark.

The President laid before the Senate:

Bill, "An Act to Protect Farmers' Right to Farm." (H. P. 1175) (L. D. 1399)

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

Pending — Assignment for Second Reading.

On motion by Senator Hichens of York, the Senate voted to Reconsider its action whereby it Adopted Committee Amendment "A" to L. D. 1399.

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

Senator HICHENS: I now present Senate Amendment "A" to Committee Amendment "A" and move its passage.

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

Senate Amendment "A" to Committee Amendment "A" (S-313) Read.

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

Senator CONLEY: Mr. President, I wonder if the good Senator from York, Senator Hichens, might explain why he would like to have, I believe, pesticides removed from the Bill.

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President and Members of the Senate, the good Senator from Cumberland hasn't read the Amendment. The Amendment has been placed on the desks. All it does is to prohibit aerial spraying, so that there might be drift across into other people's land.

Senate Amendment "A" to Committee Amendment "A" Adopted.

Committee Amendment "A", as amended, by Senate Amendment "A" Adopted, in non-concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

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

Enactor

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

Emergency

AN ACT to Establish a Consolidated Map of the State. (H. P. 1158) (L. D. 1379)

On motion by Senator Emerson of Penobscot, placed on the Highway Appropriations Table, pending Enactment.

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

Paper from the House

Joint Order

ORDERED, the Senate concurring, that Bill, "AN ACT Relating to Aquaculture," House Paper, 1128, Legislative Document 1345, be recalled from the Governor's desk to the House. (H. P. 1588)

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

Committee Report

House

Ought to Pass in New Draft

The Committee on Public Utilities on, Bill, "An Act Providing for Certain Public Utility Bond Financing by the Maine Municipal Bond Bank." (H. P. 1132) (L. D. 1349)

Reported that the same Ought to Pass in New Draft under Same Title. (H. P. 1558) (L. D. 1668)

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

Passed to be Engrossed, as amended by

House Amendment "A" (H-507).

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

(Senate at Ease)

The Senate called to Order by the President.

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

Paper from the House

Non-concurrent Matter

Bill, "An Act Authorizing a Bond Issue in the amount of \$29,000,000 for the Purposes of Fostering Agricultural and Economic Development in the State of Maine. (S. P. 488) (L. D. 1428)

(Recalled from Engrossing Department pursuant to Joint Order (H. P. 1587).

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" (S-297) as amended by House Amendment "A" (H-508), thereto, in non-concurrence.

The PRESIDENT: Is it the pleasure of the Senate to Recede and Concur with the House?

It is a vote.

Orders of the Day

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

The Adjournment Order having been returned from the House, Read and Passed, in concurrence, on motion by Senator Pierce of Kennebec, Adjourned until Tuesday, June 2, 1981 at 10 o'clock in the morning.