

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and Tenth  
Legislature***

**OF THE**

**STATE OF MAINE**

***Volume II***

**FIRST REGULAR SESSION**

**MAY 4, 1981 to JUNE 19, 1981**

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

June 2, 1981

Senate called to order by the President.

Prayer by the Reverend Gary Vencill of the Calvary United Methodist Church in Lewiston and the North Auburn United Methodist Church.

REVEREND VENCILL: Let us pray. God, who is all powerful, and full of wisdom and of grace, we confess that we are tired and sometimes lost in a maze of difficult and conflicting decisions. This day, and in the days ahead, grant us strength that we may be alert for our work. Grant us wisdom that we may find those ways that best serve the State of Maine and her people. In the heat of debate, may we remember our own humanity, and that of our opponents. May we remember in compassion and understanding the needs and the hopes of our constituents and of all the people of Maine. Amen.

Reading of the Journal of yesterday.

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

Bill, "An Act Promoting Alcoholism Prevention, Education, Treatment and Research." (H. P. 1540) (L. D. 1655)  
In the House, May 26, 1981, Passed to be Engrossed.

In the Senate, May 27, 1981, Passed to be Engrossed as amended by Senate Amendment "C" (S-296), in non-concurrence.

Comes from the House, that Body Having Adhered.

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

Senator TEAGUE: I move we Recede and Concur.

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

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, I stand before my colleagues, this morning, in a very difficult situation, for I, as many of you, have been a recipient of a well-organized, very positive encouragement over this past weekend to support the pending motion of Recede and Concur.

My long nine years of legislative history, as supportive of legislation that would tighten control on the consumption of alcohol in our State, is about to be crowned with the frosting of dedicated revenue, as encompassed in the New Draft of L. D. 1485, L. D. 1655.

I supported the Amendment that was added to the Bill, or added in this Chamber in the late days of last week. I understand that that obviously has not been accepted by the other Body. I, also, know that considerable influence and/or clout, if you will, has been exercised, and that it has been suggested that His Excellency, Governor Brennan, would not have signed the original or the Senate version of L. D. 1655, which we sent down to the other Body.

I do have some objections to the Bill before us, in amended version, L. D. 1655, the Majority Report from that prestigious Joint Standing Committee on Taxation. I guess it isn't without some risk, and I was told rather honestly and blatantly, or openly, that it wasn't the politic thing to do to stand and oppose the pending motion, which is what I am doing this morning.

There are several objections to L. D. 1655, which have not been adequately discussed. If you think back to the Committee Report last week, it hasn't really been discussed at all. It was suggested by a very prominent official on the national level dealing with alcoholism that we, including myself, who have had multiple

cases of chronic alcoholism in our families, in my case, in my very immediate family, that I should be even that much more responsive to L. D. 1655, the Majority Report.

It isn't that I'm lacking sensitivity, or even response. I guess I object to the structure, because there are more than just the alcoholism needs of our society and citizens of our State. There are other human needs, which this Legislature has been unable to address for sheer lack of funds.

I fully expect this morning that the pending motion will prevail. I believe that some of the objections that I have are substantial enough that they should be placed on the Record before we do cast our votes.

The cost to the State of Maine for the premium program, and we do call it a "premium," that's a seven letter word as opposed to a three letter word which says "t-a-x," is real. It is not reflected by the Bill itself. Experience has taught us that in every case where this Legislature acts in such a fashion as to increase prices to Maine's consumers, consumption goes down. It would be naive, then, to believe that we can Enact LD 1655, without a corresponding loss in revenue to the General Fund, which we all know is the recipient of the Liquor Taxes generated by the sale of alcoholic beverages in the State of Maine.

I'm not personally opposed to the decrease in consumption. I heartily support it. We are not directly looking directly and honestly at the proposed decrease in revenues. There are, also, direct personnel costs, since the program incorporated in LD 1655 will require separate accounting be performed by the Bureau of Alcoholic Beverages, down the street, as well as the State Treasurer's Office.

Not to mention the need for auditors or inspectors, who can check the payments in the State by wholesalers, and distributed against the volume figures, which they already are currently reporting.

This premium tax is not simply an add-on premium tax, a revenue, but it does establish an entirely new criteria for payment, in the method of payment. I haven't heard any of my colleagues, particularly those who have been so consistently champions of businesses in the State, address the definite cost to businesses, which must in the first instance, determine the amount of premium which they owed this grand State of Maine.

Today, Liquor Taxes for beer and wine are based upon cents per gallon. LD 1655, the Majority Report, will require that a percent of alcohol determination be made based upon that number of gallons sold. Perhaps, this question might be responded to or answered by any one of the Committee lately, or as I conclude my remarks. Can you tell me with any degree of certainty the fluid ounces of 100 percent alcohol in a railroad car of that, (I'm trying to think of a brand of beer,) I guess Budweiser, because I always think of the horses, as opposed to a railroad car filled with one of the light beers, Busch, or whatever is hanging around. It is my understanding that the percent of alcohol content in beer, for example, falls within a range. It's not specific, as is the distilled spirit, which is based on proof. There is also this volume weight problem.

My next objection is philosophical. I'm sure you remember that this, also, is consistent with my philosophy on Dedicated Highway Funds, where I also was very lonely minority in this Chamber. I have been, and I continue to be, opposed to dedicated revenues, whatever the problem to which we plan to apply the money. Dedicated revenue either results in too much money to a particular type of program. Let's look at the D.O.T. in the heyday. Or too little money, let's look at the D.O.T. today.

The purpose of the Legislature, as I understand it, is to determine how much money is available to the needs of the State of Maine, and to allocate that money to the best of our

ability.

What is the solution? If it is later determined that this one cent premium tax does not provide adequate funding for alcoholism programs, then there are two logical alternatives. We face them with, unfortunately, regular consistency in the last two, yes, even three sessions. We can, one, increase the amount of the premium, for heaven's sakes, let's not call it a tax. Or two, seek funds from the General Fund. Heaven forbid!

In either instance, I think that both programs and the State of Maine would be better served by having taxes paid into the General Fund, and seeking monies through the usual appropriations procedure, rather than through a considerably less accountable method.

Today, it appears that there is a nice, even logical connection between this premium based upon consumption and the program need. However, it is impossible to project such things as what the limits of the programs are to be funded? Are they to be residential treatment centers? Are they to include counseling programs and support programs for the family of the alcoholic? Or a combination of those? Or additions or deletions? What are they?

Because we can not predict what the needs are, I again believe it is to everyone's benefit that the money go to the General Fund first, and that these programs prove themselves to the Legislature, rather than relying on a dedicated fund or revenue, first instead of later.

One section of the Bill, as I understand it, establishes a trust account. Today, at least in this Chamber officially, I haven't heard any debate as to what this trust account will do, in terms of the funding of the programs, even though that subject was raised by the good Minority Floor Leader, my leader from the County of Cumberland, Senator Conley. I have some reservations about putting aside 5 percent of the premium generated over the next few years, when all of us in this Chamber expect that there will be severe cutbacks in a number of program areas, particularly Human Service Programs as a result of, and with focus on, proposed federal cutbacks and consolidation into block programs.

I don't believe that over the next several years the State of Maine can afford to set aside 5 percent of any revenue for any future dedicated use. We are not even now able to meet our current needs. If you don't believe me, remember this statement, as we sit here and the supplements come across our desk, Indefinitely Postponed, Indefinitely Postponed, Indefinitely Postponed, ad infinitum in the next few legislative hours, or days.

This Bill allocates money to departments of the State of Maine without having the recipients go through the usual Appropriations Committee procedure. I understand that the proponents of the Bill are very sincerely concerned. That doesn't mean that we, who express reservations about the structure and mechanism, are not concerned that the federal funding cutbacks will place a severe hardship on current programs. There are other programs which reflect dire human need, such as the alcoholism program, which I understand has a dedicated, excuse me, has an approximate \$3 million appropriation in the Part I Budget.

While I am sympathetic to the potential embraced and incorporated in L. D. 1655, today it is only a potential. We, in this Chamber, and the Appropriations Committee have told other recipients of Human Service Funds that they must wait until we have the facts before we will make a determination as to how much of the balance of funds of the State of Maine could afford. We're telling people, particularly elderly low income who qualify for rent and property tax relief, and drug program assistance that we can't afford to include arthritic drugs in those programs, but we can address the needs of alcoholism because it has priority

over all other human needs? I guess I don't agree with that.

I don't understand why it is necessary to use a different standard for alcoholism programs than other Human Service Programs, even though I know the horror of alcoholism in our families. I believe that it would be much more appropriate for us to consider this measure in an emergency form, if it is necessary.

Finally, I guess I strongly object to passing this Bill, L. D. 1655, under the pending motion, which people, some of us, do not believe is the appropriate funding mechanism because the Governor feels that any other type of funding mechanism that may be coming from the same pocket and going to the same place would be vetoed. That disappoints me.

I believe, as State Senators in this Chamber, and Legislators representing all of our citizens who reflect myriad human needs, that the needs of all of those people who are being taxed, and that 1655 in its amended version does not balance the human needs of Maine citizens honestly, evenly, fairly, or even appropriately. Thank you, Mr. President.

I would request when the vote be taken, that it be taken with the Yeas and Nays.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, this morning, this particular item was of great concern to me, that I had done several hours of research on this particular issue, and as strange as it may seem, all the major points of contention that I had raised, at the time were very adequately addressed, by the good Senator from Cumberland, Senator Clark.

Some of the questions that I raised last week, relevant to this issue were: Where are the valid statistics, to show exactly how effective the existing program has been utilizing federal dollars as well as state dollars? What is the recidivism rate of alcoholics in the State of Maine? How can the 3 Commissioners decide constructively which programs are to receive those funds, and to what amount will they receive?

In one of my Senatorial towns, the Town of Bowdoinham has a very adequate, a very highly respected treatment center. In November of 1980, the Department of Human Services would not fund them any further to continue that particular program which in essence terminated 6 employees.

My estimation is, that I am not too sure at the present time, if a dedicated revenue, a premium, so-called, in essence no matter how you break it down a tax, is the right strategy to use. I am not too sure exactly what the residential treatment centers have done, and in fact over the weekend, Saturday to be specific, I spoke to a gentleman who is deeply involved in this particular program, and we rapped a concern that was expressed very ably by the good Senator from Cumberland, Senator Conley, regarding the peer movement with AA versus the professionals, and the methods and strategy that they use.

In talking to some people who are on the road to recovery from alcoholism, they express very ably the feelings expressed by Senator Conley, that they were able to solve their problems more to their satisfaction and to that of their families, who understood clearly the trials and tribulations that they have gone through, by doing it through a volunteer group of people.

I get very apprehensive when we start dedicating revenues, because it brings to mind that only 10 short years ago, I was involved in a bill, which dealt with alcoholism in the State of Maine, and the bill was to divert some of that high revenue that is derived from the 75 percent mark-up on booze to be utilized primarily for alcoholism rehabilitation and then also 10 years ago education. It is very obvious to this Legislative Body, today, that this bill got no

where at all.

We had an in-house program, at the time, run by a gentleman by the name of Max Good, that had satellite offices throughout the State of Maine that in my estimation did a very very commendable job. Why they did such a good job, is because, most of the men and women involved in the program, at that time, were rehabilitated alcoholics, who were able to convey more clearly, at least in my community, to the rank and file people who were having very serious problems, how they could curtail and hopefully solve this very deleterious problem.

I am also very sympathetic, extremely sympathetic to L. D. 1655. I feel basically the work that has gone into this L. D. should be recognized. I think it was done genuinely and sincerely. I'm also very cognizant of the fact that we are in dire straits of money, and that dedicating more revenues without a clear cut budget, is not the right direction to move in.

As you may recall during the debate last week, between the \$3 million allocated or earmarked under the Part I Budget, the speculative amount of federal dollars that might come in, plus what would be brought in by this particular program, brought forth a figure of approximately \$7 million. Yet, nobody could really define very clearly what the total necessary budget would be. That left me a little bewildered, exactly, if this particular LD were enacted, would then would we automatically cut the \$3 million from the General Fund appropriations and rely upon the one cent per ounce of booze in the diversified forms? Or, as the good Senator from Cumberland, Senator Clark, brought out, if monies get rather short, as time goes on, will we then change the structure somewhat to increase the amount per ounce?

I don't think, basically, that we are going to solve the alcoholism problem in this State or in this nation. I do fully agree that we must have more education and better rehabilitation programs, which I also agree wholeheartedly takes dollars. I think it's about time that we stopped acting impulsively and emotionally going on just general vague statistics instead of getting down to the nitty gritty of what the actual cost is. I fully agree somewhere along the line, those costs are spelled out someplace. For some reason, they're not being brought forward.

Recently, with the Department of Human Services, we listened through the Audit and Program Review Committee of one of the departments who administered the alcoholism program. You know, I listened as closely as I possibly could to have this person tell me exactly what they're doing. To this day, as much as I analyzed and evaluated what the gentleman was saying, I still don't know what they are doing. All we know is we are throwing millions of dollars, allegedly, to address a very serious family destroying problem. Somehow or another, dollars don't seem to address the results we are getting.

This morning, I think basically, I'm going to, and I have not been, let me say this perfectly clear for the Record. I have not been lobbied on this particular Bill. A lot of vital information has been brought forth, but I'm not locked into one side or the other. The thing is, I think we better really think about this in the next four days of this Legislative Session, before we make a decision that we might all regret in the future.

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

Senator CONLEY: Mr. President and Members of the Senate, I intend to support the motion to Recede and Concur this morning. I only do that in a spirit of compromise. I honestly feel that there is a lot wrong with this particular Bill. I don't like the establishment of a dedicated fund, for one thing.

Secondly, I have great concerns as to what this windfall of \$6 million is going to do. I have

been told, since last Friday, all kinds of tales with respect to this legislation. When this Senate Chamber accepted one version of the Bill, the message came up and said, play hardball. Play hardball. We'll Adhere on the Bill in the House, and we'll shove it down your throat in the Senate and you'll buy it or you don't. I don't like that.

Everyone's concerned about, all of a sudden they come out of the woodworks from here to Timbuktu and back and forth, are concerned about the problems of alcoholism. We all know, there's not anyone sitting in this Chamber, no one sitting in this Chamber, that will not agree that the organization that has done the most, that has done the most to rehabilitate alcoholics has not cost the State one dime. In fact, is that most of the people they have helped have contributed to the General Fund thousands and thousands of dollars, becoming ill.

It would seem to me that if one were to say that the State should adopt a certain formula with respect to alcoholism, then let's look at the \$60 million that is brought in to the General Fund and say, one percent, a half of one percent, of all revenues taken in by the General Fund, which has helped cause the illness and the sickness of alcoholism. Let's treat it.

I've always recognized that the number one drug problem in the State is alcoholism. There's no question about it, if we were all honest with ourselves. We have, what we refer to as the Office of Alcohol and Drug Abuse. Except from the fact that alcoholism is the number one drug, what about the other drugs? What about those that are on amphetamines, and whatever they are, uppers and downers, that are purchased through a pharmacy? Is there anyone here that wants to support a premium on every pharmacist that sells some sort of a narcotic to help take care of the problems of hard drug users? I don't see that around here. How far do you think it would fly in this Senate or in the other body? Not very far.

I am not going to delay the debate on this Bill, this morning, but I am going to have some very, very concerned reservations with respect to this Bill, when it comes back in the Enactment stage, if it still reads the same way.

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

Senator WOOD: Mr. President, and Members of the Senate, I would like to respond to a few of the questions that were asked today. The first one that the good Senator from Cumberland, referred to as playing hardball. I am one of the four managers of this Bill in the Senate, and just to look at me I am incapable of playing hardball on these issues. It is not our side that is playing hardball at this point. If it was my wife then maybe you could say that she was playing hardball.

The first argument that was raised about this Bill, was dedicated revenue. I too, have an aversion to dedicated revenue. I am one of the sponsors of this bill, doing away with the Highway Dedicated Revenue. I think, that in this instance, there is a correlation between the use of alcohol and the problems that it creates. I think that there is a justification for a dedicated fund, at this time. In the future it might be well to sunset this dedicated fund. I think that as with other dedicated funds, if there is a direct correlation between the fund and the use and the problems that it is trying to correct, then dedicated revenue is a justifiable way of raising funds. I think in this instance, a dedicated revenue is a justifiable way of dealing with the problem.

The second objection raised was to the cost to the State to administer this program and the problem of coming up with the various ounces and the rates per ounce. The Committee looked at this Bill, we had the Legislative Finance Office look at this Bill we had the various departments look at this Bill, we did not create the fiscal impact statement for this Bill, those departments did. If they feel confident that they can administer the Bill without additional

help, if they feel confident that they can come up with the various rates, I think, that it is in their hands, what we are paying them for is to do their jobs. I think, that we have to rely on their judgment, in that case, and not have the Committee involved in that part.

The point was raised about the trust fund and why there was a trust fund. It is to provide some stability in this area. One of the very reasons, that it was set up is because of all of the cuts that are occurring across this country and the lack of stability in many of the social service programs, because of these cuts. We felt by establishing this trust fund, we would begin putting some stability, so that there would be a bottom floor under which these programs could operate in the future.

Issue was taken with the fact that the Governor, allegedly said that he may or may not veto this Bill. I, like every other Senator, like to feel that I am voting on the basis of my independent judgement at that point, but I think that we have a responsibility to pass a bill to help a large segment of our population. If this is a bill that all branches agree upon and the Governor agrees upon, then I think that that is something that we have to face. I am not going to let my ego or my pride get in the way of killing a very good Bill.

There was mention made of AA and their effective programs, and I would agree, and would say that all of the people involved with the Bill agrees and applauds the efforts of AA. I would point out that most of the people in AA are extremely supportive of what we are trying to do. They realize that they can not do it on their own. That there are many people out there, many needs that are being unmet and this is one way of helping them meet some of the needs that they can no longer meet.

There was a question raised about the effectiveness, the amount of recidivism, etc, in the program. Those questions become fairly moot if we do nothing because there will be no programs to judge.

Finally, the key argument, I think, that was made, we have other needs out there, pressing needs, and that we should not make alcoholism our number one priority. To follow this line of reasoning to its conclusion, would be to say, that because we have so many needs out there and because we do not have enough money to go around, we should simply do nothing, because then we will not be showing favoritism to any program.

I am of the belief that we are put here, we are elected to do the best job that we can with the limited amount of resources that we have. We can't please every one, we can not pass all of the good programs, but we have to use our collective judgement and decide ways of meeting the needs. To do otherwise, I think, would be to fail in our responsibilities as Senators. There are needs out there, this is one way of addressing the need of a large segment of our population.

We should not start pitting one social service program against another social service program. The alcoholics against the elderly, the children against the elderly. We should do what little bit that we can do. This is one small effort to meet the needs of a rather large segment of our population, and to meet the needs of one of the most serious social problems that we have. I would urge you to Recede and Concur.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Mr. President and Members of the Senate, just to answer a few questions or attempt to. Some of these questions can't be answered. Plus a few comments.

Nobody likes everything in a compromise. I don't like the fact that we couldn't accept what the Senate had accepted. I tried very hard to get that through.

What I plead with you here today, is to not

vote to kill the Bill. Hopefully we can work out whatever concerns there are with this Bill, and we can come up with some fairly good programs.

I can't answer to what has gone on before. One of the reasons for the joint commission, with the 3 commissioners, or 4 commissioners getting together is because one hasn't been successful in providing the programs and coordinating with the other. The thought is, that is you have to get in there with 3 different departments and fight for programs, it seems to me that you almost have to come up with better programs. Maybe it doesn't work that way. I will admit to being naive, and only hoping that this legislation goes through and that we do have a Alcoholism Program funded in this State.

The other thing that I would like to say is that on the Educational Trust Fund, one of the reasons that that was put in was because when you do treatment programs, and it creates sort of a scallop effect, if you know what a scallop shell looks like. You fund the program rather heavily because you have a huge problem, the problem is abated because you have funded it and you have treated it. The amount of people who need to be treated goes down, therefore, the funding goes down. When the funding goes down, and because the education isn't there the scallop effect goes into effect again, and you have more problems that you have to treat and they have to go and find the money again to treat them. This is one of the ways, that we were hoping to try to avoid this. Maybe it won't avoid that.

I am not going to stand here and give anybody any absolutes of what is going to happen under this Bill. All I know is if you don't vote for the Recede and Concur motion that it effectively kills the Bill, and that we will then have to go out and look for the additional monies to fund this program, because it is not going to be funded any other way, at this particular point in time.

Another thing that I would like to leave you with, is that we do not even begin to have the kinds of problems now, that we are going to have in the future. Keep in mind, that our young people are drinking and using drugs earlier then they ever have before. It is a fact that the earlier you put yourself at risk, the more at risk you are at having a problem with the alcohol and the drugs.

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

Senator CLARK: Thank you, Mr. President. Mr. President and Men and Women of the Senate, I do not suggest that alcoholism is not a public health problem, and I do understand that it is a special problem.

I simply say that Alcoholism Program Treatment, Education and Prevention need not be funded in a special manner, separate and distinct from all the other health care problems that our society experiences.

I recognize that alcoholism is a serious health problem. I also recognize that alcoholism too frequently can become an emotional, as well as, a physical and mental issue. It even taps the guilt vein for many of us. Fostering lots of misconceptions, and I think, that the misconception that is embodied in LD 1655 is that alcoholism is this Legislature's number one priority, and that as my good seatmate the Senator from York, Senator Wood, suggested that if we do not do this we should do nothing.

We would submit to you again, that in Part I of the Budget, there is a \$3 million appropriation, and I suggest that that is hardly nothing.

We should and can do everything that we are able to do. Of course we recognize, particularly we who work with young people in Maine's schools, recognize that young people are drinking, smoking and drugging at earlier and earlier ages, but I hasten to add before we color them with that broad brush that older people who aren't in schools are drinking, smoking

and drugging in greater proportions today then ever before.

I simply suggest to you, that alcoholism, yes, is a treatable illness, and deserves a level of financing consistent with its identifiable needs, those identifiable needs are not to the extent and exclusion of all the other health care services, that we as a Legislative Body, should address. That a reasonable, rational framework for health care funding is absent in LD 1655, for we are structuring a shelter to special interests, and we are removing them from the scrutiny of objectivity and review, and almost providing them immunity from Legislative Review.

What else can I say? I know and share with you what my good friend from York, Senator Hichens says, when we discuss other bills, that deal with alcoholism, "I've never met an alcoholic that wasn't the result of the consumption of alcohol" and neither have I. Obviously there is a direct correlation between the substance and the disease, and now we have structured substance, disease and a shelter, to those special interests, to the exclusion of all of the other health care needs and services that this State should address, equally.

The PRESIDENT: Is the Senate ready for the question?

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 Somerset, Senator Teague, that the Senate 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, Bustin, Carpenter, Charette, Collins, Conley, Dutremble, Emerson Gill, Hichens, Pierce, Pray, Redmond, Sutton, Teague, Trafton, Trotzky, Usher, Wood.

NAY — Brown, Clark, Devoe, Huber, Kerry, McBreaity, Minkowsky, Najarian, Perkins, Sewall, C.; Shute, Violette.

ABSENT — O'Leary.

A Roll Call was had.

19 Senators having voted in the affirmative and 12 Senators in the negative, with 1 Senator being absent, the motion to Recede and Concur with the House, does prevail.

Sent forthwith.

(Off Record Remarks)

#### Communication Committee on Education

May 27, 1981

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

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

Bills Received in Committee	84
Unanimous Reports	79
Ought to Pass	4
Ought to Pass As Amended	22
Ought to Pass in New Draft	4
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Leave to Withdraw	19
Divided Reports	13
Study Bill	1

Respectfully yours,

S/SENATOR HOWARD M. TROTZKY  
Senate Chairman

Which was Read and Ordered Placed on File.

#### Senate Paper

Senator TRAFTON of Androscoggin (Cosponsors: Senator HICHENS of York, Representative GOWEN of Standish and Representative CONNOLLY of Portland) presented, Bill, "An Act to Remove the Customer Charge from Electric Utility Rate Structures." (S.P. 654)

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

Senator COLLINS: Mr. President, in looking at this Bill, I would judge that it contains the same matter that appeared in a previous Bill. I would, therefore, raise a parliamentary question, to the Chair, as to whether or not this is a Bill which under Rule 4 has been finally rejected?

The PRESIDENT: The Senator from Knox, Senator Collins has posed a question to the Chair, relative to the application of Rule 4 of the Joint Rules. The Chair would request that someone would Table this Bill until later in today's session, in order for the Chair to give this Bill careful research.

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

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

Senator CONLEY: Mr. President, I would only suggest that at the same time that the parliamentarian is questioning the rule with respect to rejection of this Bill, that she might also research the Constitution at the same time, as to whether or not the Chief Executive doesn't have the right to submit Legislation at any time.

The PRESIDENT: The Chair thanks the Senator.

#### Orders

Expressions of Legislative Sentiment recognizing:

Diana Jordan, Valedictorian of Deer Isle-Stonington High School, Class of 1981. (S.P. 656) presented by Senator PERKINS of Hancock (Cosponsor: Representative PERKINS of Brooksville).

Dawn Flagg, Salutatorian of Deer Isle-Stonington High School, Class of 1981. (S.P. 655) presented by Senator PERKINS of Hancock (Cosponsor: Representative PERKINS of Brooksville).

Marjorie Austin, Valedictorian of George Stevens Academy, Class of 1981. (S.P. 657) presented by Senator PERKINS of Hancock (Cosponsors: Representative BORDEAUX of Mount Desert and Representative PERKINS of Brooksville).

Robert Vogt, Salutatorian of George Stevens Academy, Class of 1981. (S.P. 658) presented by Senator PERKINS of Hancock (Cosponsors: Representative BORDEAUX of Mount Desert and Representative PERKINS of Brooksville.)

Which were Read and Passed.  
Sent down for concurrence.

The 133 foster grandparents in the 2 foster grandparent programs in the State, who serve over 400 children with special needs at more than 50 sites. (S.P. 659)

presented by Senator PIERCE of Kennebec (Cosponsors: Representative MARTIN of Brunswick and Representative CONNOLLY of Portland).

Which was Read.

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

Senator PIERCE: Mr. President and Members of the Senate, we are fortunate today to

have with us some very special people. I guess probably most of us in this Body, serve on a variety of committees and have throughout our legislative lives. One of the programs that I have been involved with has been with the Advisory Council and have had the pleasure this year of Chairing it as the Maine Foster Grandparent Program. There are actually two in the State and we do have some of those people here with us today. It is really heartening to see what these people do, not only in helping a great variety of people around the State, mostly children from the areas and in locations such as Pineland, private homes, schools, or whatever. It's really quite wonderful what these people do for these children. At the same time, I'm sure they receive a great benefit themselves in the love they receive in return would ask that the Chair recognize those that are here with us today, and welcome them to the Maine Senate.

The PRESIDENT: The Chair following the suggestion of the Senator from Kennebec, Senator Pierce would ask the ladies, in the rear of the Chamber, who are foster grandparents to rise and accept the greetings of the Maine Senate. We are certainly pleased to have you in attendance here this morning. (Applause, the members rising.)

Which was Passed.

Sent down forthwith for concurrence.

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

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

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

#### Recess

#### After Recess

#### The Senate called to order by the President.

#### Committee Reports Senate

##### Ought to Pass in New Draft

Senator DEVOE for the Committee on Judiciary on, Bill, "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S.P. 340) (L.D. 978)

Reported that the same Ought to Pass in New Draft under Same Title. (S.P. 649) (L.D. 1677)

Which Report was Read and Accepted and the Bill, in New Draft, Read Once.

On motion by Senator Devoe of Penobscot, Under Suspension of the Rules, the Bill, in New Draft, Read a Second Time.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, Members of the Senate, several weeks ago the Judiciary Committee sent to all Committee Chairmen a request for suggestions for inclusion in the Errors Bill. It was addressed to the respective Committees on the feeling that that way we would ensure covering all titles in the statutes.

Fortunately or unfortunately, that effort in contacting Committee Chairmen, and it was both Senate Chairmen and House Chairmen that we contacted, only elicited one suggestion from a Committee, and that was for a minor suggestion in the statement of fact concerning one of the sections.

The Bill is before us now, and given the time frame that we're operating under, we're going to offer some amendments, basically, which came to us after the Bill had been reported out of Committee, and therefore, were not able to be included in the original Committee Bill.

Mr. President, at this time I offer Senate Amendment "A" under filing number S-314,

and would move its Adoption, would speak briefly to my motion.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, offers Senate Amendment "A" to L. D. 1677, moves its Adoption.

Senate Amendment "A" (S-314) Read.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate, all that this Amendment does is to provide for the addition of a Part B to the Errors Bill so that Floor Amendments in the Senate and in the House may be accommodated. That's the only reason that we're offering this.

The PRESIDENT: Is it now the pleasure of the Senate to Adopt Senate Amendment "A"?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I am in a query right now, I pose a question to the Chair. Do I have to Suspend the Rules, at this time, to offer Senate Amendment "A" to Senate Amendment "A"?

The PRESIDENT: The Chair would answer the Senator in the Affirmative. The Rules must be Suspended.

Senator CONLEY: Mr. President, I would now move that the Rules be Suspended.

On motion by Senator Conley of Cumberland, the Senate voted to Suspend the Rules, for the purpose of amending.

Senator CONLEY: Mr. President and Members of the Senate, I have spoken with the Chairman of the Judiciary Committee, as well as the House Chairman of the Judiciary Committee with respect to this Amendment, and the purpose is to correct, certain technical matters in the Private and Special Laws of 1981, Chapter 22, a Bill that we enacted earlier this session dealing with the Casco Bay Transit Authority, and primarily what it does, it validates the first election because at that time we said that the petitions must be submitted 21 days prior to the election. The day that we were enacting this Bill 21 days had already been eaten up.

What this does is validate the election that was held. It also satisfies Bonding Councils concerning with the technical aspects of the Bill, and reduces the 2/3 majority of Board making decisions, down to a majority.

The only question I had with respect to the Amendment was the reduction of the 2/3 of the Board, down to the Majority of the Board, and it is my understanding, after speaking with the Legislative Research Counsel, that somewhere around 90 percent of the Charters that have been approved by the Legislature designate that they be a Majority, and therefore, I have no problem.

I now submit Senate Amendment "A" to Senate Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Conley offers Amendment "A" to Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" to Senate Amendment "A" (S-315) Read. Under Suspension of the Rules, Senate Amendment "A" to Senate Amendment "A" was Adopted.

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President, I offer Senate Amendment "C" to Senate Amendment "A" under filing number S-318, and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Devoe offers Senate Amendment "C" to Senate Amendment "A" and moves its Adoption.

Senate Amendment "C" to Senate Amendment "A" (S-318) Read.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Thank you, Mr. President. Mr. President, Members of the Senate, what this amendment does is to provide authority to the Trustees of the University of Maine to ap-



point persons to act as policemen. That is presently in the Private and Special Law dealing with the University but do to a quirk in the Criminal Code, the policemen on the University Campuses, astoundingly enough, have only jurisdiction and powers of policing in criminal cases, so we have the unusual situation where policemen on the campuses, due to this quirk in the law, can only act in criminal cases and this would simply provide the power and authority to act in connection with civil violations as well.

Under Suspension of the Rules, Senate Amendment "C" to Senate Amendment "A" was Adopted.

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President, members of the Senate, I offer Senate Amendment "D" to Senate Amendment "A" under filing number S-319 and would move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, offers Senate Amendment "D" to Senate Amendment "A" and moves its Adoption.

Senate Amendment "D" to Senate Amendment "A" (S-319) read.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Thank you, Mr. President. Mr. President, Members of Senate, all that this Amendment does is to put an Emergency Clause on a bill that was earlier passed by this Legislature dealing with the hospital up in Fort Kent.

That statute would have gone into effect 90 days after adjournment of the Legislature, and by our adding the Emergency Clause, it will go into effect now. It deals with the ability of a corporation to establish and maintain a Mental Retardation Home and Center to be known as the Powell Memorial Center, and for the purposes of this section the corporation shall maintain a separate division of finance to the center to administer matter of income, assets, liabilities, and other matter of finance. That's the only change made in the law that's already passed.

Under Suspension of the Rules, Senate Amendment "D" to Senate Amendment "A" was Adopted.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, I offer Senate Amendment "E" to Senate Amendment "A" under filing number S-320 and would move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Devoe offers Senate Amendment "E" to Senate Amendment "A" and moves its adoption.

Senate Amendment "E" to Committee Amendment "A" (S-320) Read.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Mr. President, Members of the Senate, all this Bill does is provide that Section 42 of the Errors Bill will go into effect 90 days after the Legislature adjourns.

If the Chair will give me just one moment, I will check on Section 42.

#### (Senate at Ease)

The Senate called to order by the President.

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

Senator DEVOE: Thank you. Before further action is taken, I would ask Leave of the Senate for me to Withdraw my motion at this time. I will need a few more minutes. I think I can do it in five or ten minutes.

On motion by Senator Collins of Knox, Tabled until later in today's session, pending the Adoption of Senate Amendment "E" to Senate Amendment "A".

(Off Record Remarks)

#### Divided Report

The Majority of the Committee on Transportation, Bill, "An Act to Continue the Maine Turnpike Authority." (S.P. 324) (L.D. 932)

Reported that the same Ought to Pass in New Draft under Same Title. (S.P. 650) (L.D. 1676)

Signed:

Senators:

USHER of Cumberland

O'LEARY of Oxford

Representatives:

HUTCHINGS of Lincolnville

MOHOLLAND of Princeton

McPHERSON of Eliot

REEVES of Pittston

FOWLIE of Rockland

MACOMBER of South Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (S-309).

Signed:

Senator:

EMERSON of Penobscot

Representatives:

CARROLL of Limerick

STROUT of Corinth

HUNTER of Benton

McKEAN of Limestone

Which Reports were Read.

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

Senator O'LEARY: I now move that we Accept the Majority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, moves that the Senate Accept the Majority Ought to Pass, in New Draft, Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: Mr. President and Ladies and Gentlemen, I would urge you not to adopt the Majority Report and adopt the Minority Report. I'd like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator EMERSON: In 1977, the 108th Legislature adopted Chapter 8 regarding the Maine Turnpike. This law would be enacted, or would become effective upon the date of retirement of all the bonds and the payment of all the interests on the Maine Turnpike.

Subchapter 332 of that Chapter 8, regarding the Legislative Intent, I'd like to read. "It is the intent of the Legislature that the collection of tolls on the Maine Turnpike shall be by a means of a Barrier Toll System, after all bonds have been retired and funds are available in sufficient amount to convert the toll collection system and recommendations in regard to the system have been made to and reviewed by the Legislature."

Further on in that Chapter, Subchapter 335, regarding Legislative Approval. "Prior to the conversion of the Maine Turnpike to a Barrier Toll System, the Commissioner of Transportation shall evaluate alternative Barrier Toll Systems and toll schedules, conduct public hearings regarding alternative systems in appropriate geographic locations, and present a recommended Barrier Toll System and toll schedule to the Legislature while it is in Session."

Since 1977, many changes have taken place, especially in the area of highway financing. There are people along the Turnpike corridor and throughout the State that would prefer to keep the present Closed Toll System facility. It was argued in our Committee that the present closed system would assure a better maintained highway, would provide jobs, would produce more revenue by preventing users from circumventing the toll booths on a barrier system. That is contained in Report "A" in the Majority Report, which is "An Act to Continue the Maine Turnpike Authority." It is intended

to keep the present system with some modifications.

There were those of us on the Committee, those of us who signed Report "B", which is Senate Amendment S-309, "An Act Relating to the Maine Turnpike." There were those of us who felt that we didn't have enough information at this time to make a recommendation about the adoption of either system.

We, also, felt that since the Department was going to be directed, was directed to make a study after the bonds were paid, it would make good sense to make the study now, so we could have the information at this time, or now we would have the study completed by January 1, 1982.

We would then have the results of the study, and we could act on it in the Second Session of this Legislature. I think we would be better informed, and we could analyze the situation better. We could make a recommendation then as to which system to adopt.

I believe that it would make sense to have this study. I think that we would be doing a better service to the people of the State to have more information in this area. Therefore, I hope you would reject the Majority Report and Accept the Minority Report.

I'd like to refer to one thing in the Statement of Fact in Senate Amendment 309. The Statement of Fact reads thus: "This Amendment requires that an evaluation of the present closed system and any proposed barrier system be evaluated and compared." The Amendment further requires: "the Commissioner make his recommendation to the Legislature and the Legislative Committee having jurisdiction over Transportation review those recommendations and report to the Second Regular Session of the 110th Legislature."

I hope you do Accept this Report.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, I sincerely hope this afternoon that the Senate rejects the Majority Ought to Pass Report, projected by the Transportation Committee, and Accept the recommendation made just a few minutes ago by the Chairman of the Transportation Committee, who apparently is very cognizant of all the ramifications of this particular Bill.

A little history about this Bill goes back to the year 1977, when I sponsored this piece of legislation, as a long term objective in addressing a very critical problem in the State of Maine. At that particular time, the Transportation Committee, along with Governor Longley, disagreed. Governor Longley was in full concurrence with one particular factor and it was this. That we would be breaking faith with the people of the State of Maine if we did not let this road go toll-free upon payment of bonds.

At the time, I took issue with Governor Longley relevant to this matter. I pushed for the present law. The present law says, when these bonds are paid off, either in 1982, or 1983, then we will have a study. At which point we will make a determination what system we will utilize.

The entire concept behind this was very simple. We felt it was of significant value that the users pay for the cost of the Turnpike. The compromise laid out during that segment of time was simply that our municipalities, or many municipalities along the corridor were being somewhat disenfranchised because of the creation of I-295 from Portland north, coming out into the Town of Gardiner.

Bear in mind that during that segment of time, also, federal funds were readily available and Interstate 95 was being built in increments, of which 90 percent federal funds went into it with 10 percent State funds. My community as well as many communities along the corridor of the 100 mile present Maine Turnpike contributed towards that.

After that law was enacted, my community with the City of Auburn worked very diligently in conjunction with one another to develop an Air Park and a development of South Lewiston where we re-zoned that entire 700 acres of land for industrial development. We realized the crunch was materializing. We were concerned, like the Governor, and many other people who are proponents of industrial development, in Maine, that we could and should develop this particular Air Park.

In the process, we were able to convince a very large manufacturer of ethanol, the D.W. Small Company to come in with \$128 million facility. This was on contention that the Legislature, in its wisdom, would abide by the present existing law, making egress and ingress roads to the Maine Turnpike as a division of the Department of Transportation.

During the interim period of time, many other people showed interest in that particular development. The end result is now by all indications, that the Maine State Employees' Association is not happy with what we did then in my estimation, they are trying to do only two things, address the jobs of 130 toll-takers, and address a union contract coming up in September of 1981.

In my estimation, I think this particular piece of legislation is ill-conceived, it was not done in good faith, and it is going to be deleterious to our community and the end result is to the economic growth of that particular area.

Presently, the law states that the Turnpike will be dissolved upon payment of bonds. As I mentioned earlier, that will take place in early 1982, and possibly 1983. It does convert the system from a Closed Toll System to a Barrier Toll System. It continues the tolls and pays for the upkeep and maintenance of that Turnpike. It pays for the conversion of the Closed Toll System to a Barrier Toll System. It provides funds as available for additional interchanges and roads into the Turnpike. I might point out this particular point, that that requires Legislative overview. It provides funds as available for interconnecting access roads to the Turnpike. Again, requiring Legislative overview. It provides funds as available for widening of the Turnpike was has been discarded at the present time, because there is just not sufficient funds.

Now, at that particular time, also, we addressed as a long-range projection what the cost would be. Based upon the inflationary factors, we felt that 35 cents per barrier would be very satisfactory. The idea behind this was to raise sufficient revenues from the users to take care of the costs and maintenance, not to make money for the purpose of having it go back to the Department of Transportation, to be earmarked for other particular purposes.

Let me reiterate one particular point. We could have fought very diligently in 1977, and maybe we would not have been faced with this problem today, to have that particular road go toll-free. We would still get our egress and ingress roads. As it stands now, we are fighting for our economic survival.

One particular point that I want to bring out to you, which was very significant in a letter to Governor Brennan, from the Mayor of the City of Lewiston. I don't have to read the entire letter, but just this one paragraph will suffice. It states the following: "The closed Maine Turnpike system, and the inadequate," and I emphasize the word 'inadequate', "primary highway system leading to the Lewiston/Auburn area, have significantly contributed to the deterioration of economic conditions in this area."

In other words, over the years, we haven't asked for a heck of a lot from the Legislature. By all indications, we haven't got a heck of a lot, either.

The Lewiston/Auburn unemployment rate of March of 1981 was 9.4 percent substantially higher than the State's, or the country's unemployment rate.

Along with this already high rate of unemployment, the city faces a very distinct possibility that Hillcrest Foods, Inc. will be closing its business, and ladies and gentlemen of the Senate, that happened last Tuesday.

According to the study done by the Department of Manpower Affairs, the closing of Hillcrest could raise the unemployment rate to 12.5 percent.

With 60 to 70 percent of our labor force employed in labor intensive industries all of which are very susceptible to foreign competition, and I'm talking about our shoe industry and our textile industry.

The City of Lewiston is very concerned about its general economic health. While we do not question the wisdom of the State providing substantial sums of money for improvement of Port facilities in Portland, which I supported, and Searsport, which I, also, supported, and for the Central Potato Packing Facilities in Aroostook County, which I, also, supported, we do think the time has come for the State to make a major effort in improving the economic conditions of the Lewiston/Auburn area.

One way, ladies and gentlemen of the Senate, this afternoon, you can do this, in good faith, is to reject the Majority Report and Accept the Minority Study Report.

Now, bear in mind, we're doing one thing. In the existing law that is presently on the books, a study report was going to come forth with anyway, it was going to come forth in possibly January 1983, all we're doing with this Amendment, that Senator Emerson of Penobscot has projected, is backing it up until January 1982.

We are willing, just like the rest of you, to look at this thing more clearly and more constructively, and if necessary, compromise. Don't strip us of what we have done so far through the Maine Guarantee Authority, by taking huge sums of money, in other words, we've got almost \$1.8 million tied up in our facility, and this is not a very simple matter, and a very very complex matter, as far as that's concerned, and some people have taken this darn thing too lightly to realize the long-range effects of what you are doing to these particular communities, not only Lewiston/Auburn, because this is not a Lewiston/Auburn issue, this is an issue along the hundred miles of that corridor affecting all the communities.

Other communities that have joined forces with Lewiston/Auburn have been the City of Portland, through a council order indicating as much that they'd like to see this opened up. I believe Biddeford, or some other area down that way, and Gray, has indicated as well as the Town of Sabattus. They all realize the importance.

Now when you look north of us into the great metropolis of Bangor, Maine, you see five egress and ingress roads and bridges on either part of I-95. Isn't that marvelous! They can open up their industrial parks, but yet we're going to be denied this, even though we feel that we should have that particular accessibility.

Another thing that comes to mind, that road was built with private funds, not state or federal dollars, private funds and this is where we are breaking faith of the people of the State of Maine, if we decide to turn this around and keep this as a closed system.

I urge the Senate, this afternoon, to really weigh and analyze this thing very, very closely, and look at the long term benefits that you'll be, not only helping 2 major cities along the corridor, but many other cities, by looking at it from the viewpoint of the people of the State of Maine, that we will be deriving sufficient revenues to meet our ever dwindling tax base.

I'll just give you one example of what it means. With the D.W. Small Company, with its \$128 million investment, in 3-5 years that particular facility will create, at least, 1500 jobs. This will mean, at least, \$2 million dollars in property taxes per year, shared by the Cities of

Lewiston and Auburn. Now, this is a substantial amount of money, if we are to meet the ever increasing costs of inflation, bonding, taxes, and everything else.

There is another particular company that is looking forward to building in our Air Park, and by general classifications, is referred to as a Fortune 500 Company. This is important because that in an essential business that will bring in at least 1000 jobs, and, you know something, ladies and gentlemen, if that Turnpike reverts to a close system, we stand to lose that particular industry.

I'm only bringing out some of these factors just to prove to you that deleterious effects will have, not only upon our communities, but upon the State of Maine, who is spending millions of dollars in educating kids in our VTI's and in our colleges, and yet, we're saying to these same people, I'm sorry we don't have adequate jobs, and good paying jobs to give you, so then just matriculate to our other New England States, or out west. Work your 20 to 25 years, then come back to Maine.

I'm looking to keep people in the State of Maine. Utilize their skills and talents here, and this is one reason why I'm fighting diligently and sincerely to be sure this particular Turnpike issue reverts to a study, as recommended by the good Senator and the Transportation Committee for January 1982. I don't think that's too long a time to wait in which to get this thing rectified. And, I would urge you to kill, maybe that's a mild word for me to use this afternoon, the Majority Report, and Accept the Minority Study Report that Senator Emerson has.

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

Senator USHER: Thank you, Mr. President. Mr. President and Members of the Senate, the good Senator from Androscoggin is correct. Also the good Senator from Penobscot is correct. We are, as a Committee, in favor of maintaining the Turnpike as a revenue road.

They are, also, correct that back in 1977 the Study Order was put through but back in 1977, everybody thought different. The financial problems weren't what they are today. We're well aware of those. We can't even resolve the present highway system which we have before us. It hasn't even gone through the third and fourth stages.

Back then, everybody wanted to give everything away. We know that we can't today. The Committee is in agreement with the good Senator from Androscoggin, Senator Minkowsky, that we should provide an access road to help in the economic development. To do this, you have to have money. DOT doesn't have any money now to survive, without building the access road, which they have no control over the Turnpike yet anyway. To build an access road in that area, I've heard estimates between \$3 million and \$4 million. Where are we going to get \$3 million and \$4 million to build an access road? You have to have money coming in. With a 10 percent increase in vacationers, which they predict for this year that looks like a good year, as long as the weather stays good, we'll have a real good year, probably over \$15 million. The average is between \$14.5 million to \$15 million now, with the money coming in off the Turnpike.

If you go to a free system, or a barrier system, which we have heard two or three years ago that a barrier system will generate less than \$9 million, make under \$10 million, between \$8 million and \$9 million. That's a little bit different than \$15 million. The present expenses now run over \$7 million, between \$7 million and \$7.5 million. Where are you going to have all this excess money to build access roads?

The Town of Scarborough is concerned. They're going to have an economic development now in that area. Biddeford has been concerned. That's three large communities



right there, who all want access roads. How are you going to build these roads if you don't have any money? That's the major problem that we have now. We haven't got enough to take care of the regular ones.

The Majority Report, continues the present method of collecting tolls, which up to 50 percent is generated from out-of-staters. You're talking about \$7 million in excess. Also, the present Majority Report is a two year extension for the transition period. It's going to take almost two years to transfer all the people properly, make all the corrections. Everything is private there now. All private contractors. It avoids the problems of deciding where the barriers are going to be located.

The Study says that it will study the barrier system. It could be three barriers or four, which is going to be very political, where the barriers are going to be. In Biddeford, they find out it's only going to generate \$8 million or \$9 million in the barriers, well, we'll raise the prices. Why raise the prices? Why not leave the prices just like they are? It would be one of the finest things we've ever done for the people of Maine. Leave the prices like they are. It only costs \$2.25 to go from Augusta to Kittery. We can still generate \$15 million. I think that's a terrific deal.

The Bill would provide the priority use of the money to be used for the access roads with a \$7 million or \$8 million surplus, which it would generate if it stays in the present system. You could build an access road every other year, or whoever is going to be first. I'm sure Lewiston and Auburn would be on our tops of the priority lists. We have considered them. It was included in the amendments. Their representatives for the economic development area attended all of our hearings, all our workshops. We're well aware of their problem.

It also provides for commuter discount, not to exceed more than 50 percent. As a regular traveler that leaves the Biddeford area, South Portland area, if you're familiar with the South Portland exit, they built a parking lot there for the commuters. Now they're parking on the grass. It's not big enough. This is happening everywhere. It's happening at the Westbrook exit. The parking lots are not big enough. That shows that people are carpooling, and using the Turnpike for commuter service. The cost is not the major problem. They want an A-1 road. That's what they're getting, but you have to pay for it.

Look at how many bridges a dime paid for, in New Hampshire and Maine. We found out that they took off the dime too early in many cases.

It will also provide needed money in the DOT, which we need very badly, in the future. It will probably cost more to build a new exit under the present closed system. Down the road, it will be well paid for. We need this to help maintain the access roads, who have the extra traffic, where the traffic is getting off. In the Westbrook, Portland, South Portland area, all the heavily traveled areas, Augusta, it's a ten mile corridor. This is very helpful to all the communities in that area.

The bond payoff, with an exceeding year like this year, has predicted, the bond payoff could be as early as next April. Automatically, when the bond is paid off, the Authority dissolves. The Majority Report will have a two year extension. There will be a two year sunset. They will have to appoint new members on the Authority for the transition period, and start changing the formulas, and working with DOT.

I think this is badly needed. I don't think we have to study it any more. The studies around here don't usually get started until after Labor Day. They probably quit in the first of October. What have they really done? We know most of the facts today. This has been looked at since 1975. The Bill was put in in 1977. Everybody is well knowledgeable in everything that's going to go on. We know, today though, that we do need the money to build anything. If you're

making a request for an access road, how are they going to come and approach DOT to get \$3 million and \$4 million to build an access road?

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator DUTREMBLE.

Senator DUTREMBLE: Mr. President, Ladies and Gentlemen of the Senate, I am one of the co-sponsors of this Bill. What we are doing here, if we do not Accept the Majority Report, is we are going to form a study to see if we should go to the barrier system as was suggested in 1977. If we do that, what it will do, is will take a good working mechanism, like the Maine Turnpike Authority, and turn it over to the DOT.

I've been here, this is my third year. All three years, at the end of each Session, all I can remember is we're trying to solve the problems of the DOT. I can't see why we should take something that is working perfectly well right now, and turn it over to the Department that's having problems financially.

The good Senator from Androscoggin, Senator Minkowsky, talks about his concern over economic development for the Cities of Lewiston and Auburn. I am tremendously concerned for the economic development of the Cities of Biddeford and Saco. For the past two years, we have been promised an access road for our industrial parks down there. For the past two years, we haven't had the money to do it. The State has to turn it down. This is improved access, which has not been started on yet because of lack of money.

What the Bill, at least there's something in there that says that any monies available will be used in areas that have economic development as a priority, which many of the cities along the Turnpike have.

One of my major concerns is that, in the barrier system, as the good Senator from Androscoggin mentioned, 35 cents as a figure. Whether that figure is 35 cents or 25 or 45, there's going to be a great deal of revenue lost to the State of Maine. A great amount of that revenue comes from people using the Turnpike, who are from out-of-state. Talk about breaking faith with the people of the State of Maine, they're the ones that are going to have to make up that difference, one way or another. It's still going to cost money to maintain the Turnpike.

What I'm afraid of is that some of the revenues used to take care of the Turnpike in the past may be diverted into other areas, to other parts of the State. The Maine Turnpike will start to deteriorate. I've traveled that road now for three years. I know it is one of the best highways in the State, of all the highways that I have traveled.

I would hope that we would go along with the Majority Report. Thank you.

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

Senator TRAFTON: Thank you, Mr. President. Mr. President, Men and Women of the Senate, I rise today to support the position of the good Senator from Androscoggin, Senator Minkowsky, and also the position of the good Senator from Penobscot, Senator Emerson. I hope you will give serious consideration to Accepting Committee Amendment "A" under a filing number of S-309.

As the good Senator from Androscoggin mentioned, a commitment was made in 1977. We made that commitment. We made it to all the communities in this State. On the basis of that commitment, some areas started to take action. Lewiston/Auburn was a prime example. They moved ahead with rapid plans for economic development, badly needed in our area. They moved ahead. They received commitments from various companies that felt that Lewiston/Auburn would be a good area to move into. Those companies looked at the action that we did in 1977 and anticipated that

they would have access, easy access, to the Lewiston/Auburn area, easy access to our industrial park in South Lewiston, easy access to the industrial park located at our airport.

Lots of projects are underway. The good Senator from Androscoggin has already mentioned some of them. What do these mean to our area? They mean millions of dollars of economic development in our area. They also mean thousands of jobs to one of the very depressed areas in the State.

Now, we're going to change the rules. What does that mean to those companies who have already indicated their willingness to come into our community, into our State? We have no way of knowing. Perhaps some of those companies that have already indicated their interest in our area will change their mind. Certainly, they will have that option. Some of those companies that are presently looking at our area, may well change their minds before making an initial commitment.

The whole issue centers around access roads. In Bangor, if you want access to Bangor, you've got your choice of 5 exits. You can get off at just about any street that you'd like to.

In Lewiston/Auburn we have 2 exits. One for Lewiston, one for Auburn. Neither of which address our problems in terms of giving access to our industrial areas.

If we have to live with those exits, it means that all the industrial traffic will have to use very poor secondary roads, and will have a very circuitous route to get to the companies that they may wish to construct in those parks.

Now, the question becomes, how do we get the monies to build access roads? Today we've had many people speak on the Floor and talk about which system they believe would provide the needed monies, but do we really know?

I would suggest to you, we don't know. We don't know if the closed system can provide those revenues. We don't know if a barrier system can provide those revenues. As the Senator from Cumberland mentioned, Senator Usher, we've heard that the barrier system will only raise \$9 million. We've heard that. We don't know that. No studies have been done yet, even though that was mandated in the piece of Legislation passed in 1977.

What we're asking for today is your continued good faith with the commitment we made in 1977. What we're asking for today is a little time. We're suggesting to you that perhaps the Legislation before us is indeed a bit premature. The bonds are not paid off. We still have a little time that we can do this study that was suggested in the 1977 Legislation, and get some of the facts that we need to make an informed decision.

Committee Amendment "A" asked for that study. It asks for an analysis of the costs. It asks for a look at the total revenues that would be generated, the personnel changes that would be necessitated, in the following systems: A closed system, as we currently have, a closed system with modification; a barrier system, and a barrier system with modification.

I hope today that you will give us the time that we need because economic development for Lewiston/Auburn is economic development for the State of Maine.

Our State needs that economic development, and I would hope that we would not be so parochial as to turn a deaf ear on the needs of the second largest metropolitan area in this State. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Charette.

Senator CHARETTE: Thank you, Mr. President. Being the Junior Senator from Androscoggin County, I was not about to rise today and speak in behalf of this Bill, however as I hear the debate, I felt that it was my right duty to get up and say a few words.

I'm not prepared, and I just wrote a few

notes, as I heard the debates, and I am quite intrigued at all, of what I've heard. We go back to 1977, when all of this was part of this Legislature, at one time, and here we are today, 3 years later, debating this issue again, then from what I hear, is that these bonds are not due for termination until the 1983's, however, then, in another breath I hear that we could payoff these bonds tomorrow. Then, you know the Turnpike has not been money making profit thruway. Well, I'm not sure. It's very confusing when you hear all these debates.

My understanding is that we could payoff these bonds by tomorrow, and the Turnpike is free and clear, and it can become part of the DOT, and here we go.

Well, I too am concerned. I realize I am from the Lewiston/Auburn area. I am from an industrial area has been promoting industry to come into a community that's got well over 70,000 people or more, and we've heard that unemployment rates were 9.4 and perhaps will rise to 12.5 or more in the next month, and we are all concerned, and we are all committed, or Lewiston and Auburn was committed in some heavily development to continue developing the industry and providing jobs for its people, and this is the people of this great State of Maine.

I have no gripes. I have no problems with the Maine Turnpike. When I ran a campaign, as a matter of fact, my strong statements were that let's give up all tolls. Let's have a free rolling road, and I made those commitments in my house, at a press conference, and naturally I'm not sure how far that would go at that time, but I did make those commitments, however, I am very supportive of the Minority Report in this case. I know what it can do for our area, and the economic development of our area, and, as I said, our good Senator Emerson from Penobscot has said it, so has Senator Minkowsky, now I can add, Senator Trafton, and I don't want to repeat some of the things they said as far as versus a free system to a barrier system, and the 7 million to the 9 million, and what it's going to do, and so forth.

The Study has not been made. It was requested in 1977, and here we are in 1981, and no study has been made as to what this barrier system will do versus the type of road that we have now, under the Maine Turnpike Authority. So, let's get the study going. Let's find out once and for all. Let's solve these problems, and as I said, 1983 is when these bonds were supposed to terminate so why don't we see what all we can accomplish out of this. Why should we rush a Bill here that can hurt the economy of the State, not only in Lewiston/Auburn, but the entire State. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Thank you very much, Mr. President.

Mr. President, one interesting factor that came to mind, was at the Public Hearing before the Transportation Committee, where there was a correlation drawn between the Turnpike costs, and I-95 costs for maintenance.

Did you know that it costs \$17,000 per lane miles for reconstruction and construction of the Turnpike versus \$2,200 for I-95? Now, I think that's rather a fat budget for the Maine Turnpike Authority, isn't it? I think they can actually cut that down dramatically. Yes, it is the most well maintained road. It's very obvious the reason why it's well maintained at \$17,000 per lane mile.

Let's not forget one other thing, also. The revenues don't run out when the Turnpike bond's are paid off, that reverts to a special fund created in the Department of Transportation, and all those revenues will continue on for that 18 month period until a conversion takes place.

Another thing, the \$2.10 to run the full length of the turnpike, under the barrier system it is

only \$1.40. Is that not more practical, and feasible for our people? I think it certainly is.

Another thing, the compromise, Ladies and Gentlemen of the Senate, was very simple, and maybe we were foolish at the time to do it, and maybe I'll take that responsibility, maybe I should have pushed as Governor Longley wanted at the time, for a toll-free road, and we still would have got out egress and ingress roads, and all the taxpayers and the users in the State of Maine could pay for it then. Is that what you people want? I thought we were very fair and equitable in addressing this serious problem by saying let the users pay for it.

Our compromise is very simple. With the barrier system, there will be toll-free zones in between that our people could run from Lewiston to Gray at no charge, and beyond that pay 35¢. Maybe Lewiston to Augusta, no charge, and have that thing opened up, and all along the corridor the same thing. You know something, ladies and gentlemen, I was addressing another problem down in southern Maine at the time where Senator Danton and Senator Farley were concerned because of the congestion of US 1, and that was commuter passes, and tokens, and all these other different things that could materialize.

You don't think we took all your factors into consideration when we drafted this piece of Legislation. I most certainly say we did, and yet, it appears now that we are going to be as the term goes, somewhat shafted in this whole deal, because we were good samaritans that time.

I really urge the Senate, this afternoon, to really weigh, and analyze, exactly what we are doing, and we're not asking that much. We're simply saying the study that was due in 1983, will not come back in 1982. I think we deserve that much consideration, based upon our good intent, and based upon our perseverance in looking out for our great State of Maine by looking towards industrial expansion. I think we should be commended and assisted along those lines, instead of pleading for our survival through this atrocious piece of Legislation, in which is a Majority Report.

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

Senator EMERSON: I'd just like to point out one thing.

It's been said that the barrier system would produce around \$9 million worth of revenue. I don't know how they come about that because a big part of the study would be to set the rate of tolls, so, I don't see how you could arrive at \$9 million now. I think you're premature, because the tolls might be set high enough so you'd raise quite a lot more money than that.

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

Senator O'LEARY: I request a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: I'd just like to pose a question through the Chair.

The PRESIDENT: The Senator may say his inquiry.

Senator DUTREMBLE: I would like to know how a person going from one end of the extreme to the other of the Turnpike and it costs them \$2.25, and it's only going to cost them \$1.40 under the barrier system, how it's not going to mean a loss of revenue?

The PRESIDENT: The Senator from York, Senator Dutremble, has posed a question through the Chair.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, the answer to that, and I don't have the expertise in that particular field, all the bonds were retired, there's no new bonds, the issues are at a very low interest rate, and that would take care of it.

The idea that at time was we did have bonds floating for upkeep and maintenance and reconstruction, and of course, the bonds for the new section from Portland to Gray, from Gray to Lewiston, and subsequently from Lewiston to Augusta. This is the thing that we're paying off finally, and that's the only reason I can give you why we can't reduce rates.

Of course, I don't think the rates have increased too much over the years either, because of the influx of traffic on the Turnpike.

I will say one more thing at this particular point other than that, since I-295 opened up, it has diverted in excess of 1 and 1/4 million cars and trucks out of the Lewiston/Auburn economy by using it by going around from Portland north to Gardiner, and yet, we're willing to accept that, reluctantly, because it shows that it was somewhat growing in other areas, and what we're saying in this particular compromise, that we have on the original law at the present time, is now you won't be, if you want to circumvent the area, you're going to pay 35¢.

Thirty-five cents is not a magic number. It's not cement. It was just a practical, feasible, projected figure to actually address the costs of upkeep and maintenance, and not for profit to be used, as some people have expressed here this afternoon, for other block grants or other projects in the Department of Transportation.

Hey, listen. If we wanted that, we would have said toll-free, and you can pick it up on Gasoline Tax. I think we've done you one heck of a big favor.

I hope that answers somewhat the question of the good Senator from southern Maine, Senator Dutremble.

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

Senator USHER: Thank you, Mr. President.

Mr. President, Members of Senate, to answer a couple of questions that were brought on by the good Senator from Androscoggin, Senator Minkowsky, related to the management costs of the Turnpike.

I have to agree, those are the costs of the Turnpike, that it is a private system. It is not run by the State. What they do we have no control over, until they dissolve. It's still private. When they dissolve, then we take over control. We have no control at all.

Also, the good Senator related to since I-95 the traffic has decreased in this area. Well, I have a report from '79 and '80. 1979 the total vehicles was 16,190,000. In 1980, which just finished, there was 16,517,000. That's an increase, right here in black and white.

As far as revenue, the revenues total for vehicles at the end of 1979 was a little bit over, about \$14.1 million. At the end of 1980 it was \$14.4 million dollars. That's another increase.

So, I don't really think that keeping a closed system is going to jeopardize economic development. Those who have traveled the whole length of the Turnpike, and I mean all the way to Kittery, they could just observe, all the way down, all the South Portland industrial park. I know my community, Westbrook's industrial park, is less than a mile from the Turnpike. I served on the City Council at the time we picked the area, and the main reason was because of access to the Turnpike.

If you go down the Biddeford area, access to the Turnpike. Kennebunk, all the way down to the Turnpike, access to the Turnpike, because it was an A-1 road, and the only way you can keep it A-1 is to spend money on it and keep it in that condition.

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 Oxford, Senator O'Leary, that the Senate Accept the Majority Ought to Pass, in New Draft, Report of the Committee.

A Yes vote will be in favor of the Ought to Pass, in New Draft Report.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Bustin, Carpenter, Collins, Devoe, Dutremble, Gill, Kerry, Najarian, O'Leary, Perkins, Pray, Sewall, C.; Shute, Trotzky, Usher, Violette, Wood.

NAY — Ault, Brown, Charette, Clark, Conley, Emerson, Hichens, Huber, McBreairty, Minkowsky, Pierce, Redmond, Sutton, Teague, Trafton.

A Roll Call was had.

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

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

#### (Off Record Remarks)

#### Orders of the Day

The President laid before the Senate: Bill, "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S. P. 649) (L. D. 1677), Tabled earlier in today's session by Senator Collins of Knox, pending the Adoption of Senate Amendment "E".

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate, Senate Amendment "E" under filing number S-320 simply changes one word in what was LD 476 from "of" to "or", but our doing that with the current emergency preamble would mean that the word change would take place 90 days prior to the effective date of the Act, which was not an emergency act. That's the reason for this Amendment.

Under Suspension of the Rules, Senate Amendment "E" to Senate Amendment "A" Adopted.

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

Senator DEVOE: Mr. President, I present Senate Amendment "F" to Senate Amendment "A" under filing number S-321 and would move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, offers Senate Amendment "F" to Senate Amendment "A" and moves its adoption.

Senate Amendment "F" to Senate Amendment "A" (S-321) Read.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Thank you, Mr. President. We earlier in this Session passed Private and Special Law, Chapter 49. That has just been signed today by the Governor. All that this Amendment does is to provide that the first year's funding will be derived from dedicated revenue not the General Fund. This Amendment authorizes a special revenue account for that purpose.

Under Suspension of the Rules, Senate Amendment "F" to Senate Amendment "A" Adopted.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Members of the Senate, I present Senate Amendment "B" to Senate Amendment "A" under filing number S-317 and would move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, offers Senate Amendment "B" to Senate Amendment "A" and moves its adoption.

Senate Amendment "B" to Senate Amend-

ment "A" (S-317) Read.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Thank you, Mr. President. All this Amendment does is to give the Baxter State Park Authority instead of the Commissioner of Conservation the authority to consent to the transportation of wood that is cut within the confines of Baxter State Park. Thank you.

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

Senator TRAFTON: Mr. President, I'd like to direct a question to the good Senator from Penobscot about Senate Amendment "B". I'd like to know, historically, why it was the Commissioner of Conservation who was delegated that authority? If, in fact, the Baxter State Authority and the Commissioner of Conservation are in agreement with this transfer, and exactly what it entails?

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

Senator PRAY: Mr. President, to respond to the question of the good Senator from Androscoggin, Senator Trafton, originally when the Bill was passed through here dealing with the public lands, which comes under the offices of the Commissioner of Conservation, it was presumed at that time that the lands inside of Baxter Park, the northern section, which is in a forest management practice, through the deeds of trust by Percival Baxter, that that land would be included. It was only afterwards that we found out that it is not. Since that comes under the offices of the Baxter Park Authority, this Amendment is in to include that land as well.

Under Suspension of the Rules, Senate Amendment "B" to Senate Amendment "A" Adopted.

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

Senator GILL: Mr. President, I present Senate Amendment "G" to Senate Amendment "A", and under Suspension of the Rules, I move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Gill, offers Senate Amendment "G" to Senate Amendment "A" and moves its adoption, under Suspension of the Rules.

Under Suspension of the Rules, Senate Amendment "G" to Senate Amendment "A" (S-322) Read.

The PRESIDENT: The Senator has the floor.

Senator GILL: Mr. President, I'd just like to explain this Amendment to the Senators. We have a floating unrelated in this Bill. It's an ambiguity that we're trying to lock down. The Committee on Health and Institutional did not mean for it to be floating. It is the word "unrelated". We're putting it in the proper context.

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

Senator CONLEY: Mr. President, first I was wondering if the Rules were Suspended for the purposes of the introduction of this Amendment.

The PRESIDENT: The Chair understood that they were. The Senator, in her motion, moved that they be Suspended. The Chair answers in the affirmative.

On motion by Senator Conley of Cumberland, Tabled until later in today's session, pending the Adoption of Senate Amendment "G".

#### Second Readers

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

#### House — As Amended

Bill, "An Act Concerning the Regulation of Atlantic Salmon." (H. P. 474) (L. D. 538)

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

Bill, "An Act Providing for Certain Public Utility Bond Financing by the Maine Municipal Bond Bank." (H. P. 1558) (L. D. 1668)

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-316 and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, offers Senate Amendment "A" to LD 1668 and moves its adoption.

Senate Amendment "A" (S-316) Read and Adopted.

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

Sent down forthwith for concurrence.

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

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

Sent down forthwith for concurrence.

#### Orders of the Day

On motion by Senator Conley of Cumberland, the Senate voted to take from the Table: Bill, "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S. P. 649) (L. D. 1677).

Under Suspension of the Rules, Senate Amendment "G" to Senate Amendment "A" Adopted. Under Suspension of the Rules, Senate Amendment "A" (S-314) as amended, Adopted. The Bill, as amended, Passed to be Engrossed.

Sent down forthwith for concurrence.

The President laid before the Senate: Bill, "An Act to Remove the Customer Charge from Electric Utility Rate Structures." (S. P. 654), Tabled earlier in today's session by Senator Collins of Knox, pending Reference.

The PRESIDENT: The Chair would answer the Senator from Knox, Senator Collins, on his query as to whether or not Joint Rule 4 applies, that in the opinion of the Chair, the Rule does apply. The Chair would amplify this to the extent that while the Chief Executive may submit Legislation, at any time that he sees fit, as soon as legislation has been submitted, it then becomes subject to the Rules of the Legislature.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I move that the Rules be Suspended.

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

Senator PIERCE: I would object.

The PRESIDENT: The Chair will order a Division.

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

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

12 Senators having voted in the affirmative, and 14 Senators having voted in the negative, the Rules are not Suspended.

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

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

Tabled—May 27, 1981 by Senator TROTZKY of Penobscot.

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

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

Senator NAJARIAN: Thank you, Mr. President. Mr. President and Members of the Senate, this Bill before us is indirectly tied to a bill which is currently on the Appropriations Table, which provides some money for the Resource Libraries. There has been some negotiations continuing among the sponsors and the State Library. There is a possibility that more money will be made available to the three area

Resource Libraries.

For this reason, until that bill on the Table is dispensed with, and we know whether the need for this Bill still exists, I would appreciate it if this could be Tabled another day or two until the Appropriations Committee reports out the bill to fund libraries that's on the Table. Thank you.

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

Senator TROTZKY: I move this be Tabled for 2 Legislative Days.

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

The President laid before the Senate the second 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 29, 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 Collins of Knox, retabled for 1 Legislative Day.

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

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

Tabled—May 29, 1981 by Senator COLLINS of Knox.

Pending—Motion of Senator CLARK of Cumberland to Indefinitely Postpone.

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

Senator CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Senate, I hope this afternoon, early evening, that we do support the pending motion. As we left this, let's see, what edition was it last week. I forget which chapter, but I believe that the good Senator from Penobscot, Senator Devoe, had made a correction in response to my sharing with you the essence of a memo which we the Committee members on Business Legislation, had received, and I guess other people had received, relative to L. D. 1596, which is "An Act Concerning Minimum Limits Required Under the Financial Responsibility Law."

That good Senator said that after the effective date of this Act, should it be Enacted, that day, and now it is this day, those who presently insure at less than the proposed limits will have to purchase more coverage. Let's review what the current coverage is under minimum limits today, \$20,000/\$40,000/\$10,000. That's property damage, bodily injury, and liability. I think I've said it in the wrong order. Bodily injury, property damage, and liability.

That's what will happen. Everyone who carries uninsured motorist will be affected. Those who will be most affected are those who presently are required to file under Maine's Financial Responsibility Law. That doesn't affect many of us.

So in the interim, I had the opportunity to seek some facts. I find that indeed it affects quite a few, perhaps not all the members of this Body, but it does affect a vast number of Maine citizens. The facts that I share with you now are verifiable. They have come from the Bureau of Insurance. They have come from the Office of the Secretary of State. They have come from the Bureau of Public Safety.

As of January 17, 1981, there were 587,232 private passenger cars registered in Maine, 89,935 of these are commercial automobiles, trucks, and buses, plus numerous farm vehicles, motorcycles, tractors, etc. The total number of motor vehicles registered in Maine total 759,137 units. This Act, as proposed, will affect all those auto owners who carry the current minimum Maine Financial Responsibility Limits of

\$20,000/\$40,000, and \$10,000.

Insurance Services Office of Maine believes that 30 percent of these automobile owners will be affected. Maine Bonding and Casualty Company believes that 50 percent of these automobile owners will be affected. Commercial Union estimates that 27.8 percent will be involved. These two companies are the leading companies in automobile premium volume in the State of Maine. Insurance Services Office files for one half the private passenger volume.

The people who are affected under Maine's Financial Responsibility Law are the ones who carry minimum limits at this time, which raises the question of affordability. What is affordability? Affordability concerns the ability of consumers, Maine citizens, to purchase commodities including goods and services which are desired. Because of a multitude of unfavorable conditions of the economy in society, prices of desired goods and services recently have become subject to a significant level of criticism, i. e., it is alleged that prices of certain commodities simply exceed the ability of some Maine citizens to pay.

The allegation, stated in another way, is that consumers do not have adequate incomes or resources to purchase the specific set of goods and services they desire. Under Maine's Financial Responsibility Law, they have no choice. They must purchase it.

While automobile ownership is a direct function of income, even those consumers having low incomes have a significant degree of ownership. About 90 percent of families with incomes greater than \$10,000 own automobiles. The Aetna report of 1979 indicated that the major factor concerning affordability was the level of income, and not age or location in Maine. The major findings of this report are as follows, that one, a disproportionate number of low income families drive without insurance, because it is not affordable. Two, there is some correlation between income level, urban status, and age. Three, there is an inverse relationship between level of income and proportion of income spent for automobile insurance.

Interestingly enough, it was just last week that the Superintendent of Insurance, Ted Briggs, announced his decision to disapprove a requested private passenger automobile average rate increase of 16.4 percent, which was made by the Insurance Services Office of Maine, on behalf of its member companies. In a written decision dated May 29, 1981, Superintendent Briggs cites, improving accident and loss experience, the adequacy of current rates, and the rating organizations' failure to rely on Maine's data, as reasons for not allowing the increase.

The rate increase, which was to have been effective June 1, would have resulted in payment of approximately \$10 million more in automobile premiums by Maine drivers.

Let's capsule what this does. LD 1596 would place the State of Maine in position number one relative to minimum limits of automobile coverage, higher than any other state or territory in our nation. Maine has the lowest per capita income, yet we would force probably a vast majority of these same low income people, and people of medium income level, who can only afford 20/40/10 to purchase 25/50/20, higher minimum limits than any other state. I submit to you that the facts do not justify it.

Even though the attorneys in our State would have you believe that to litigate in an accident case where there is no insurance coverage, is indeed an event that none of us would foresee, that the purpose of this Bill is not to provide a greater resource to facilitate recovery under uninsured vehicle coverage, but rather the effect will be to raise the cost of minimum automobile insurance protection limits for all of those who are affected.

I believe that those two items are indeed in a collision course. I choose to avoid raising the minimum limits. I can not stand and justify

any other position. How can you justify placing the State of Maine in the first position on the minimum automobile insurance protection limits, first in the country, with the economy as it is, with the job market as it is, and the increasingly disproportionate numbers of low income and/or low-middle income Maine citizens, who would be affected?

A 6 to 9 percent increase is not that great. I agree, but a 6 to 9 percent increase is an increase that Maine citizens can ill afford. Perhaps, I would submit, that LD 1596 is premature, even precipitous, that its time is not today, but perhaps farther down the road in years, when Maine's low per capita income increases and it is more affordable.

I would hope that you would support the pending motion of Indefinite Postponement.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Clark, that LD 1596 be Indefinitely Postponed, please rise in their places to be counted.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

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

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

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Clark, that LD 1596 be Indefinitely Postponed.

A Yes vote will be in favor of the Indefinite Postponement of LD 1596.

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, Kerry, Najarian, O'Leary, Pierce, Pray, Sewall, C.; Shute, Sutton, Trafton, Usher, Violette, Wood.

NAY — Ault, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBrearty, Perkins, Redmond, Trotzky.

ABSENT — Minkowsky, Teague.

A Roll Call was had.

19 Senators having voted in the affirmative and 11 Senators in the negative, with 2 Senators being absent, the motion to Indefinitely Postpone L. D. 1596, in non-concurrence, does prevail.

Sent down for concurrence.

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

Senator CONLEY: Mr. President, is L. D. 1484 in the possession of the Senate?

The PRESIDENT: The Chair would answer in the affirmative. The Bill, "An Act to Establish the Municipal Cost Components for Services to be Rendered in Fiscal Year 1981-82" (H. P. 1290) (L. D. 1484) having been held at the request of a Senator.

Senator CONLEY: Mr. President, having voted on the prevailing side, I now move that the Senate Reconsider its action whereby this Bill Failed of Enactment.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate Reconsider its action whereby this Bill Failed of Enactment.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I hope the Senate will vote yes on the pending motion. Last Friday, we listened to a very excellent

review of the nature of this Bill, which is a sort of conglomerate bill concerning the municipal cost component in laying the tax on unorganized territory. I think all of us were impressed that there are some things in this Bill that need attention, that perhaps do not belong there.

I discussed this matter over the weekend with the Senator from Aroostook, Senator McBreaity. I know he has done a great deal of work in searching out the reasons for these figures.

I'm sure that he would agree with me that it is a very complex Bill. It has a lot of ramifications.

At the same time, it's a Bill that involves about \$10 million in revenue. Most of the revenue that this Bill touches is of vital importance in our eventually achieving a balanced budget in this Session.

I hope very much that the Senator from Aroostook will continue to pursue his quest on this Bill. In the time that is available to us in this particular session, I fear that neither he nor anyone else can really do justice toward correcting the Bill so that it comes out as it really ought to.

I hope very much that this quest will continue, and that in another year we will be able to address it and correct these components so that they accurately reflect the nature of the tax on the unorganized territory and the permissible uses to which it is and should be put.

I would, therefore, hope that we would adopt the motion to Reconsider, and that we would then proceed with Enactment. Thank you, Mr. President.

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

Senator McBREAITY: Mr. President and Honorable Members of the Senate, if I were to try to describe to you today how the funds have been handled that have been collected through this Bill, I would have to say that it was exactly as though you took all the funds, put them in a barrel, set them out here in the hall, with the cover off, and absolutely no one guarding them.

Believe me, if I'm back here this year, next year, the cover will be put on, either before I come back, or shortly after. Thank you.

On motion by Senator Conley of Cumberland, the Senate voted to Reconsider its action whereby: This Bill (L. D. 1484) Failed of Enactment.

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

Senator McBREAITY: 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 Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President and Members of the Senate, I would just like to make it perfectly clear that if this Bill Fails of Enactment, we will have to reduce our General Fund revenues by \$10.8 million for the biennium.

The PRESIDENT: The pending question before the Senate is Enactment of L. D. 1484.

A Yes vote will be in favor of the Enactment of L. D. 1484.

A No vote will be opposed.

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

#### ROLL CALL

YEA — Ault, Brown, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Huber, Kerry, Najarian, O'Leary, Perkins, Pierce, Sewall, C. Sutton, Teague, Trafton, Trotzky, Usher, Wood.

NAY — Bustin, Carpenter, Charette, Hichens, McBreaity, Pray, Redmond, Shute,

Violette.

ABSENT — Minkowsky.

A Roll Call was had.

22 Senators having voted in the affirmative and 9 Senators in the negative, with 1 Senator being absent, LD 1484 was Passed to be Enacted.

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

Senator CONLEY: Mr. President, I'd move Reconsideration.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the State Reconsider its action whereby LD 1484 was Passed to be Enacted.

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

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

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

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

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

#### Committee Report

##### House

#### Ought to Pass in New Draft

The Committee on Public Utilities on, Bill, "An Act to Reform the Regulation of Carriers of Passengers and Freight." (H. P. 1139) (L. D. 1356)

Reported that the same Ought to Pass in New Draft under Same Title. (H. P. 1576) (L. D. 1678)

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

Which Report was Read and Accepted, in concurrence, and the Bill, in New Draft, Read Once. Under Suspension of the Rules, the Bill, in New Draft, 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-323 and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, offers Senate Amendment "A" to LD 1678 and moves its adoption.

Senate Amendment "A" (S-323) Read and Adopted.

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

Sent down forthwith for concurrence.

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

#### Communications

##### Committee on Marine Resources

June 2, 1981

The Honorable Joseph Sewall  
President of the Senate  
State House

Augusta, Maine 04333

Dear President Sewall:

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

Bills received in Committee

Unanimous Reports

Ought to Pass

Ought to Pass as Amended

Ought to Pass in New Draft

Ought Not to Pass

Leave to Withdraw

Divided Reports

Committee Requests Bill

to be Held Over

1

Respectfully yours,

S/MELVIN A. SHUTE

Senate Chairman

Which was Read and Ordered Placed on File.

#### Committee on Transportation

June 2, 1981

The Honorable Joseph Sewall

President of the Senate

State House

Augusta, Maine 04333

Dear President Sewall:

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

Total Number of bills received

in Committee

Unanimous Reports

Ought to Pass

Ought Not to Pass

Leave to Withdraw

Ought to Pass as Amended

Ought to Pass in New Draft

Divided Reports

10

Respectfully Submitted,

S/JEROME A EMERSON

Senate 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

##### Joint Orders

Expressions of Legislative Sentiment recognizing:

Ed "Poochie" Pickett, of Augusta, catcher for the University of Maine at Orono baseball team, 1981 NCAA Northeast Regional Champions. (H. P. 1590)

Renee Baker, of Patten, as Top Scholar of Katahdin High School Class of 1981. (H. P. 1591)

David Jones, of Patten, as Top Scholar of Katahdin High School, Class of 1981. (H. P. 1592)

Kelly Jordan, of the John R. Graham School in Veazie, who has 3-year's perfect attendance. (H. P. 1593)

Randy Hogan, of the John R. Graham School in Veazie, who has one-year's perfect attendance. (H. P. 1595)

Lisa Demaso, of the John R. Graham School in Veazie, who has one-year's perfect attendance. (H. P. 1595)

The Jonesport-Beals High School Chess Team of Anita Libby, Brent Libby, Philip Alley and Dan Colbert, which won 1st place in the team division of the 1st annual Washington County Chess Tournament. (H. P. 1596)

Norman Parsons of Jonesport-Beals High School, who won the overall individual trophy of the 1st annual Washington County Chess Tournament. (H. P. 1597)

Come from the House, Read and Passed.

Which was Read and Passed, in concurrence.

#### Enactors

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

AN ACT to Increase Eligibility Levels for the Elderly Householders Tax and Rent Refund Act. (H. P. 626) (L. D. 709)

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

AN ACT to License Community and Home Health Agencies. (S. P. 618) (L. D. 1624)

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

AN ACT Concerning the Suspension of a 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)

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

Senator DEVOE: Thank you, Mr. President, Mr. President and Members of the Senate, we



have coming along in a little while the Governor's Operating Under the Influence Bill. There are three bills which deal with this general subject. They are L. D. 727, L. D. 635, L. D. 720. Pending our action on the OUI Bill that will be coming along in a little while, I would appreciate it if someone could Table, at least for one day, L. D. 727, L. D. 635, and L. D. 720.

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

AN ACT to Amend Provisions Concerning the Operation of the Operation after Suspension and Habitual Offender Laws and Certain Non-sentencing Provisions of the Operating under the Influence Law. (H. P. 556) (L. D. 635)

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

AN ACT to Amend the Charter of the Gardiner Water District. (H. P. 712) (L. D. 837)

AN ACT to Amend the Charter of the Bethel Water District. (H. P. 1549) (L. D. 1665)

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 Ensure the Admissibility of Results of Self-contained, Breath-alcohol Testing Apparatuses. (S. P. 251) (L. D. 720)

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

#### Emergency

AN ACT to Revise the Public Drinking Law. (S. P. 66) (L. D. 93)

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

Senator DEVOE: I move that L. D. 93 be set aside.

The PRESIDENT: LD 93 will be set aside.

#### Emergency

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. (H. P. 1559) (L. D. 1669)

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

#### Emergency

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

AN ACT Relating to the Provisions of the Charter of the Brunswick Sewer District. (H. P. 1577) (L. D. 1672)

#### Emergency

AN ACT Creating the Rangeley Water District. (S. P. 322) (L. D. 912)

These being emergency measures and having received the affirmative votes of 26 Members of the Senate, with No Senators voting in the negative, were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

#### Emergency

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

This being an emergency measure and having received the affirmative votes of 26 Members of the Senate, with No Senators voting in the negative, was Finally Passed and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

ing:

#### Committee Reports

##### House

##### Leave to Withdraw

The Committee on Labor on, Bill, "An Act to Encourage Training of Handicapped Workers." (H. P. 500) (L. D. 551)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Labor on, Bill, "An Act Concerning the Treatment of Asbestosis under the Workers' Compensation Act." (H. P. 567) (L. D. 643)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Labor on, Bill, "An Act to Strengthen and Clarify the Occupational Disease Law." (H. P. 640) (L. D. 730)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Labor on, Bill, "An Act to Remove Artificial Barriers to Benefit Recovery by Workers with Occupational Diseases." (H. P. 600) (L. D. 677)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Labor on, Bill "An Act to Improve the Evaluation of Hearing Loss under the Workers' Compensation Statute." (H. P. 684) (L. D. 798)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Labor on, Bill, "An Act Relating to Occupational Loss of Hearing." (H. P. 463) (L. D. 513)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Labor on, Bill, "An Act Relating to General Health Insurance Benefits for Injured Maine Workers and their Families." (H. P. 1189) (L. D. 1413)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Labor on, Bill, "An Act Relating to the Filing of First Reports and the Workers' Compensation Law." (H. P. 1215) (L. D. 1441)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Revise the Tree Growth Tax Law." (H. P. 612) (L. D. 689)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which Reports were Read.  
On motion by Senator Pray of Penobscot, the Reports were Accepted, in concurrence.

#### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Create an Appellate Division of the Workers' Compensation Commission." (H. P. 1252) (L. D. 1476)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-462).

Signed:

Sensors:

DEVOE of Penobscot  
CONLEY of Cumberland

KERRY of York

Representatives:

HOBBINS of Saco  
BENOIT of South Portland  
DRINKWATER of Belfast  
SOULE of Westport  
LIVESAY of Brunswick  
LUND of Augusta  
CARRIER of Westbrook  
JOYCE of Portland  
O'ROURKE of Camden

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

Signed:

Representative:

REEVES of Newport

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-514).

Which Reports were Read.

On motion by Senator Devoe of Penobscot, the Majority Ought to Pass, as amended, Report of the Committee Accepted, in concurrence and the Bill Read Once. Committee Amendment "A" Read.

On motion by Senator Devoe of Penobscot, Committee Amendment "A" Indefinitely Postponed, in concurrence.

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

#### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Expedite the Filing of Medical Reports under the Workers' Compensation Act." (H. P. 462) (L. D. 512)

Reported that the same Ought Not to Pass.

Signed:

Senator:

DUTREMBLE of York

Representatives:

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

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (H-442).

Signed:

Sensors:

SEWALL of Lincoln  
SUTTON of Oxford

Representatives:

DAMREN of Belgrade  
LEWIS of Auburn  
FOSTER of Ellsworth

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

Which Reports were Read.

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

#### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to the Notice Provision of the Workers' Compensation Act." (H. P. 465) (L. D. 517)

Reported that the same Ought to Pass.

Signed:

Senator:

DUTREMBLE of York

Representatives:

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

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



Signed:  
Senators:

SEWALL of Lincoln  
SUTTON of Oxford

Representatives:

LEIGHTON of Harrison  
LEWIS of Auburn  
FOSTER of Ellsworth

Comes from the House, Bill and Papers Indefinitely Postponed.

Which Reports were Read.

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

(Senate at Ease)

The Senate called to order by the President.

The PRESIDENT: The Chair would plead the forbearance of the Senate. In the Chair's haste to expedite the Session, it overlooked: Bill, "AN ACT to Revise the Public Drinking Law." (S. P. 66) (L. D. 93), which was set aside by the good Senator from Penobscot, Senator Devoe, pending Enactment.

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President, before the Senate votes on this Bill this afternoon, I think there are a couple of things that have to be said. I will try not to be duplicative of what has already been said, although that may be difficult.

We presently have a Public Drinking Law that contains a rather broad definition of drinking in a public place. The first thing that I want to suggest to the Senate this afternoon is that the Bill, in its present form, greatly narrows the definition of a public place, greatly narrows it. In fact, I have serious doubts whether the beach part of Old Orchard Beach will be even affected by this Bill, because I think there's a serious question whether that beach is a public way.

Under the present law, in my opinion, the beach area of Old Orchard Beach is affected by the provisions of our present section 2003. The reason for that is that it's a place where people have and seek amusement. I think, under the current Bill, in its amended version, I have a serious question whether the beach area will be affected.

I, also, suggest to the Senate that present law makes it a civil offense to be drinking in public. I grant you that the remedy for a civil offense is a civil citation or a summons to court.

The present Bill, the Bill before us, is going to eliminate that and say that it's a crime only after you have been forbidden to drink in public by the owner or the authorized person, either personally or by notice posted conspicuously on the premises. Nothing is being done in the way, as I read the present Bill, of stiffening the fine. You'll recall, several days ago, we debated this and tried to suggest that a more rational approach is to provide for a civil offense for drinking in public coupled with a criminal offense of Failing to Disperse. That is, after being warned by the officer not to drink or to move away from the area. That amendment was rejected.

I suggest, finally, that we will be back here in January addressing this very problem, because it will be found that this Bill is not going to be workable this summer. In my considered opinion, there is a steam roller behind this Bill. There has been a great deal of lobbying. I acknowledge the skill of those people who have been pushing this Bill towards passage, but we are going to be back in January addressing this Bill and trying to undo the inadvertent mischief that I believe is going to be created by the Passage of this Bill. Thank you very much, Mr. President.

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

Senator COLLINS: Mr. President, I think

that many of us in this Chamber are very interested in helping Old Orchard Beach and similar places in Maine to get a little better grip on their unruly summer populations who are drinking too much. I don't know the answer to all this, I haven't absorbed myself that closely in it, and was not able to participate in the debate the other day, because I was in the Chair.

I have noticed that the Senator from Penobscot, Senator Devoe, has placed on the Unassigned Table, a Bill that is entitled "An Act to Make Drinking in an Unlicensed Public Place a Class E Crime". I assume that this deals in the same area. I would hope that we would not lose the opportunity to make a constructive addition to the law on this problem.

I'm sorry I don't have the answer myself, but I would really be asking the Senator from Penobscot, Senator Devoe, if, by virtue of the Bill that he has placed on the Table, he feels there is a better answer, and one to which we could all subscribe. If so, whether it might be wise to Table this for another day and look at the things together.

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

Senator DEVOE: I move this item be Tabled one Legislative Day.

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

Senator HICHENS: 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 Devoe, that LD 93 be Tabled for 1 Legislative Day, please rise in their places to be counted.

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

8 Senators having voted in the affirmative, and 14 Senators having voted in the negative, the motion to Table LD 93 for 1 Legislative Day does not prevail.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, Members of the Senate, there is no question as to what the good Senator from Penobscot, Senator Devoe, has stated, that everyone has been trying, I believe in good faith, to attempt to pass a bill dealing with public drinking.

As I stated some time ago, that back when we enacted the so-called Uniform Alcohol Treatment Act, that inadvertently at that time the Attorney General's Office, in drafting that legislation, took public drinking out of the statutes. In reviewing the draft, before submitting the legislation to that Session, we caught that error, we took it out. We left public drinking as a crime.

Shortly thereafter, the Judiciary Committee had the so-called study dealing with the Criminal Code, and amended the Criminal Code at that time, drafted public drinking as a civil offense, which has in many communities, not only Old Orchard Beach, but many communities throughout the State, a very, very serious problem that can not, in all honesty, be dealt with.

I think many of us share the concerns that municipalities and some of our resort areas, in the summertime, are being confronted with. One of the serious problems that I have with restoring public drinking to the statutes has generally been the misconduct of those who are enforcing the statute of public drinking. I admit that some people become a wee bit intoxicated and become a little bit boisterous. I don't believe that that gives those individuals who are charged with the authority of detaining people a book of their own rules to club people to death, to bruise them, to injure them, to use any type of physical force they so desire. Those are the reservations I have with putting public drinking back on the statute.

We have a warning in this Bill, that the officer must tell the individual to cease and desist

his drinking immediately. That officer had very well better do so, or he's going to lose any kind of case in the court, and could very well probably have some suit brought against him for False Arrest.

I think our communities throughout the State, and as I say, particularly those in resort areas, all along the coast, where the population quadruples in many areas, it's not foreign to me to have police departments, to have councilmen, from councilors other than my own in Portland, from all over the State, and police chiefs who have some grave concerns about the problems that they have to deal with.

I honestly think that the Bill before us deals with this. I'm not interested in playing games with public drinking, or the public drinking statute that is before us. Last week, I, in good faith, voted to put the present Bill on the Table in the event that this Bill before us Failed of Enactment in the other Body.

Citizens all over this State are demanding that we try to curtail a very, very serious problem. As long as I feel that I'm satisfied, I can support this Bill.

I'd like to call your attention to Section D of the Bill, where it states a "public place means, one, a place owned or operated by a governmental entity to which the public at large, or a substantial group has access, including, but not limited to". I think those are important words. It goes on to spell out "A, public ways as defined in Title Section 17A, (B), schools, government owned custodial facilities, and C, the lobbies, hallways, lavatories, toilets, and basement portions of apartment houses, hotels, public buildings, and transportation terminals; and two, private ways and parking areas, physically adjacent to public ways and designed primarily for vehicular traffic."

I wonder if not included, "including but not limited to," doesn't take care of the problem that the good Senator from Penobscot, Senator Devoe raises?

There is one other problem that I think, I am not sure but I believe that the Bill if it is the one that came from the Judiciary Committee itself, raises public drinking from a Class E crime to a Class D crime, which the good Senator, not too long ago, stated that a Class D crime was a fairly serious offense.

I think, that at least we have got this public drinking in proportion to recognize it as a misdemeanor to recognize that it is one of the lightest of criminal offenses that we are willing to negotiate with, because personally I do not believe in making public drinking a Class D crime would ever pass this Legislature.

I think, that we have an opportunity today, to Enact the Bill before us and bring tremendous relief to a lot of communities that are going to encompass a very, very serious and severe problem this summer.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I also, in good faith last week, worked on this Amendment, and I think I'm going to vote for this Bill today, but I've got some real problems. I think we're making a big mistake if we delude ourselves into thinking that we're doing something to really solve the public drinking problem.

The points that, I think, Senator Devoe, has already brought out are very important points. Let me give you a scenario of exactly what's going to happen the first time Joe Jones or Susie Smith gets approached by a police officer after having taken a drink in full view. The police officer is going to walk up and say, Jimmy or Susie, you know that drinking in a public place is now a Class E crime. You can not do that anymore. Jimmy and Susie are going to say thank you very much officer I appreciate the warning. They're going to sit there with their bottle of beer or with their drink of whiskey or whatever, until officer Jones walks away. We have accomplished nothing. I'm

afraid we've accomplished nothing.

I don't understand, quite honestly, why we have to have the warning. I was opposed to that in the beginning. We don't put warnings, we authorized the police but we don't bind them to give a warning for speeding, for other crimes.

If we think this is a serious enough offense to make it a criminal offense, then why do we need to warn somebody? Since you're binding an officer to give that warning before the individual can be arrested, then you've done nothing. You'll never catch them a second time. I guarantee it. You'll never see them the second time.

The officer has no authority, as I read the Bill, some body correct me if I am wrong, to confiscate the liquor, to make them pour it out, to make them disperse, to make them do anything else. They're going to fold their arms. Thank you officer. I appreciate the warning, and they're going to sit there until the officer goes back on patrol. The officer can't stay there. How long does the warning last for?

Plus, the other section of the statutes, the Bill that bothers me says, that they, we've got to prove in court that they knew that they didn't have permission to do it. You're putting an extra burden on the court right there, on the police right there, to prove that in court.

So, this may be a very small, very small step in the right direction, but I don't think it goes nearly far enough. I think we're going to find out, once the first few of these cases get into court, that we haven't done what we may think we're doing. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President, Members of the Senate, I thank the 2 previous speakers for having pointed out two problems that exist in the present Bill.

The definition of public place starts out by saying "public place means a place owned or operated by a governmental entity, to which the public at large or a substantial group, has access, including but not limited to." The limiting words there are a place owned and operated by a governmental entity. You go on with these things that are included, but not limited to, those things in paragraphs A, B, C, are all limited by the previous words in that sentence, that is a public place owned or operated by a governmental entity.

Is the beach at Old Orchard owned or operated by the Town of Old Orchard, or by the State of Maine? Would one of the proponents of this Bill, please tell us whether the beach is or is not a public way? Please, just don't sit there and ignore these serious questions.

Senator Carpenter from Aroostook, also raises the point, how long does the warning to be given by the police officer last? Does it last 5 minutes? 10 minutes? If you are standing at 50 Ocean Avenue, and you are warned by the police officer, if you move down the street to 52 or 54 Ocean Avenue, and you have your same six pack in your hand, you've been warned with six-pack one that is open, you're drinking in a public place. Don't do it. Yes, officer. So, the person very politely tips the beer can upside down, and pours out what is left.

He takes his five remaining closed, sealed, cans of beer that are still in the plastic holder and walks down the street one or two doors, and he sits down on one of the benches that's provided by the City of Old Orchard, and he sits there, and the police officer walks down the street 10, 20, 30 yards. The guy says to himself, I'm thirsty so he takes beer can number 2 out of his holder and starts to drink.

Now, does the warning that was given five minutes before, 2 doors up the street apply? Will somebody tell us this? Please, will one of you Senators from York County get up and tell us whether the law applies in that case. How long does the warning last? What is the area

around which the person warned will be affected by a second warning? And address the question of the definition of a public place. You start out by these limiting words, "a place owned or operated by a governmental entity." Is the beach itself a public place? Is it a private way? Will you tell us, please? Thank you.

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

Senator KERRY: Very briefly, Mr. President, Ladies and Gentlemen of the Senate, number one, the beach is a public way. It is considered by the town, at least in Old Orchard Beach, as the question I opposed to the municipal officials, that the beach does have jurisdiction, and in fact, there was at one time on the beach of Old Orchard Beach, a street called "Surf Street." Many years ago there used to be trolleys running on it. I was in the jurisdiction of the community.

Secondly, with regards to the position posed by the good Senator, with regards to people being warned a second time, I believe that in any court of law, the reasonableness of this warning the first hand would be applicable if someone moved up the street, and started drinking again.

That's the whole purpose for this specificity. That's the whole purpose for this Bill, to be able to address that.

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

Senator HICHENS: Mr. President, Members of the Senate, I'm not a member of the legal profession, and I don't know just the answer that I can give the good Senator from Penobscot, regarding the warning, but I do recall one day when I had to get a ride back to Eliot with one of our State Police Officers. We were going along the Turnpike, and there was a man hitchhiking, and the officer stopped and warned him that he was not allowed to hitchhike, which was the law at that time. A little farther on, we stopped at the Howard Johnson's restaurant, and then as we went on our way, the officer said, isn't that the same fella that I warned a few minutes back, and I said, yes, it is. So, we stopped again and he gave the fella a ticket, because he had warned him. I believe the same case would work in this issue if the officer had recognized the man for having had been given a warning, and then he didn't observe that warning, even though it might be 5, 10, 15 minutes later.

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

Senator WOOD: Mr. President, I hate to interrupt the debate. This is a very crucial vote for my district, but my wife just went into labor, and if there is not a lot of questions, I would like to be able to vote and get out of here.

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

Senator CARPENTER: Two brief points. Everyone in this Chamber has at one time or another complained about the pickiness of the Judiciary. I appreciate the comments of the good Senator from Eliot, Senator Hichens, about not being a member of the Judiciary, neither am I. There are only 2 members of this Chamber that are, but every summons that's issued will be decided by one of those picky members of the Judiciary.

Second point. Can the good Senator from Eliot tell me that that ticket written to the hitchhiker stood up in court.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, 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 Enactment of LD 93.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

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

#### ROLL CALL

YEA — Ault, Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Dutremble, Emerson, Gill, Hichens, Kerry, McBreairey, Najarian, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Wood.

NAY — Devoe, Huber, O'Leary, Violette.

ABSENT — Minkowsky, Usher.

A Roll Call was had.

26 Senators having voted in the affirmative and 4 Senators in the negative, with 2 Senators being absent, L. D. 93 was Passed to be Enacted 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:

#### Papers from the House Non-Concurrent Matter

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

In the Senate May 21, 1981, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-512), in non-concurrence.

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

It is a vote.

#### Committee Report House

##### Ought to Pass — As Amended

The Committee on Labor on, Bill, "An Act to Amend the Workers' Compensation Second Injury Fund." (H. P. 524) (L. D. 590)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-409).

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-511).

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

On motion by Senator Sewall of Lincoln, Committee Amendment "A" Indefinitely Postponed, in concurrence.

House Amendment "A" Read and Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

The Committee on Labor on, Bill, "An Act to Reduce Multiple Injury Litigation before the Workers' Compensation Commission." (H. P. 381) (L. D. 424)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-410).

Comes from the House, Bill and Papers Indefinitely Postponed.

Which Report was read.

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

The Committee on Labor on, Bill, "An Act to Assist Handicapped Workers in Returning to Employment." (H. P. 602) (L. D. 679)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-441).

Comes from the House, Bill and Papers In-

definitely Postponed.

Which Report was Read.

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

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

#### Communication

**Committee on Energy and Natural Resources**  
June 2, 1981

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

Dear President Sewall:

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

Total number of bills received	85
Unanimous reports	69
Leave to Withdraw	28
Ought Not to Pass	11
Ought to Pass	1
Ought to Pass as Amended	25
Ought to Pass New Draft	4
Divided Reports	16

Respectfully submitted,  
S/JAMES MCBREAIRTY  
Senate Chairman

Which was Read and Ordered Placed on File.

#### Order

An Expression of Legislative Sentiment recognizing:

Bill Conley, of South Portland, High School, 1981 State Schoolboy Tennis Singles Champion. (S. P. 662)

presented by Senator GILL of Cumberland (Cosponsors: Representative KANE of South Portland, Representative MACOMBER of South Portland and Representative BENOIT of South Portland).

Which was Read and Passed.

Sent down forthwith for concurrence.

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 Aquaculture." (H. P. 1128) (L. D. 1345)

(Recalled from the Governor pursuant to Joint Order (H. P. 1588).

Comes from the House, Passed to be Engrossed as amended by House Amendment "B" (H-520), in non-concurrence.

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

#### Committee Report House

##### Committee of Conference Report

The Committee of Conference\* on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Provide a Special Muzzle-loading Hunting Season" (H. P. 281) (L. D. 255) have had the same under consideration, and ask leave to report: that the House recede from passage to be engrossed, indefinitely postpone Committee Amendment "A" (H-333), read and adopt Conference Committee Amendment "A" (H-519) submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" (H-519) in non-concurrence.

That the Senate recede from Indefinite Postponement, Indefinite Postpone Committee Amendment "A" (H-333), read the Bill a second time, read and adopt Conference Committee Amendment "A" (H-519) and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" (H-519) in concurrence.

On the part of the Senate:  
EMERSON of Penobscot  
O'LEARY of Oxford

On the part of the House:  
JACQUES of Waterville  
CLARK of Millinocket  
DAMREN of Belgrade

Comes from the House, Report Read and Accepted and the Bill Passed to be Engrossed as amended by Conference Amendment "A" (H-519).

Which Report was Read.

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

Senator TROTZKY: Mr. President, I move the Senate reject the Committee of Conference Report and appoint a second Committee of Conference and would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator TROTZKY: Mr. President and Members of the Senate, I was put on this Committee of Conference for a muzzle-loading season. I asked the President why I was put on it and he said for an education.

Right now, a muzzle-loader is defined here as a rifle. We have a regular hunting season in the State of Maine, through the month of November, where people with rifles or muzzle-loaders can go out and shoot deer.

What essentially this Committee of Conference Amendment does is it gives a second hunting season, this time for an extra three days with muzzle-loaders. It says the Commissioner can terminate the open season this the second season if there's severe hunting pressure.

First of all, there's pressure on our deer herd right now during the regular hunting season. For these people to come in and pay, first of all, they can hunt two seasons. They can hunt with their muzzle-loaders during the regular season. Then they go in and hunt an extra three days if they don't get their deer, during the muzzle-loading season. They pay an extra fee for this.

The question is, if there's pressure on the deer herd, and the Commissioner has to end the season, how is he going to, it seems unfair to end a muzzle-loading season and not return any money to these people. I don't see the need for any muzzle-loading season. I think anybody who wants to go out with a muzzle-loader can go out the entire month of November and shoot deer.

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

Senator REDMOND: Members of the Senate, I'm quite pleased with the outcome of this Committee of Conference. I think they put much effort in there. I urge the Senate to go along with supporting this Report from the Committee of Conference.

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

Senator TROTZKY: Mr. President and Members of the Senate: We have a regular rifle season now. We'll have a muzzle-loading season. The next thing will come a pistol season, and a cross-bow season, and a slingshot season. We do have the entire month of November for people to go out with guns and kill deer.

The definition of a muzzle-loader here, it starts off, it's a rifle.

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

Senator PRAY: Mr. President, I just want to add did the Senator from Penobscot, Senator Trotzky, forget archery when he mentioned crossbows. It reminded me of that, although cross bows are outlawed.

For those who have served a little bit of time in this Chamber, they may remember a few years ago, when the good Senator from Oxford, Senator O'Leary, had an amendment to the muzzle-loading season, which would have required a minuteman to be out there with a fife and drum to go along in front of it.

I noticed now on this Report, the good Sen-

ator from Oxford, Senator O'Leary, had joined up with the good Senator from Penobscot, Senator Emerson. When I look at that combination on this Bill, then I figure it's got to be a good Bill.

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

Senator CONLEY: Mr. President, I am shocked that the good Senator from Oxford has signed this Report as claiming to have seen the light. The Joint Standing Committee on Fish and Game has not lost a bill this year, not a one. I think it's time, I think it's time that we give them just a little humility and reject this Committee of Conference Report, and put those city lovers like the good Senator from Bangor, otherwise known as Penobscot County, Senator Trotzky, Senator Conley from Portland. Let us spread some education around this Chamber with respect to some of the wildlife that we, we in the urban communities so much like to take our children into the forest and to look and gaze upon this wonder.

Reject this Conference Report and perhaps even the good Senator from Oxford, Senator O'Leary, will retain his faculties before sun up, and perhaps put these muzzle-loaders off for one more Session.

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

Senator O'LEARY: I noticed in the last Saturday's KJ that I had had a retraining program, and switched my vote. Mr. President and Members of the Senate, I have perhaps been retrained on muzzle-loaders. I voiced four objections in the Senate on the muzzle-loading season. All of these problems have been addressed. One was that they have to obtain a big game license at the beginning of the season. This is in here.

It goes further. It allows the Commissioner to terminate the open season at any time. This could be in the middle of November, or the beginning of the season and these people wouldn't get their money back. If the snow is too deep, or he figured there was enough deer shot during the regular season, he would not have to have a muzzle-loading season.

This Bill is now going to sunset in 1983. It does one thing, it gets rid of the convertible part. There will be no powder or lead in the barrel. You have all of the safeguards build in to it now that I can live with.

I'd 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 Trotzky, that the Senate Reject the Committee of Conference Report, please rise in their places to be counted.

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

10 Senators having voted in the affirmative, and 14 Senators having voted in the negative, the motion to Reject the Committee of Conference Report does not prevail.

Which Report was Accepted, in concurrence and the Senate Receded and Concurred.

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

#### Orders

Expressions of Legislative Sentiment recognizing:

Tom Jones, Brunswick photographer, who won three 1st place awards at the Maine Professional Photographers annual print competition. (S. P. 664) presented by Senator CLARK of Cumberland (Cosponsors: Representative MARTIN of Brunswick and Representative LIVESAY of Brunswick).

Brunswick Naval Air Station Patrol Squadron 11, who was awarded the prestigious Battle Efficiency Award for 1980. (S. P. 665) presented by Senator CLARK of Cumberland (Cosponsors: Representative MARTIN of

Brunswick and Representative LIVESAY of Brunswick).

Which were Read and Passed.  
Sent down for concurrence.

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Gerald N. Levasseur, of Van Buren, who was a leader in political and civic affairs, (S. P. 663) presented by Senator VIOLETTE of Aroostook (Cosponsors: Representative MARTIN of Van Buren and Representative MARTIN of Eagle Lake).

Which was Read.

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

Senator VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate, my remarks will be brief. It is with a great deal of sadness that I sponsor this Memoriam recognizing Gerald Levasseur of Van Buren, who was a leader in politics and civic affairs in St. John Valley in northern Aroostook County.

Gerald Levasseur, in my opinion, represented all that is good in people, he exemplified that quality that makes Maine people special. Gerald was one of those people who was responsible for my being elected to the House in 1977. For this, I am forever in his and his family's debt.

Gerald was only 48 years old, yet, he was a former member and chairman of the Van Buren Town Council, a former director of the Northeast District YMCA, an organizer and former president of the St. John Valley Association of Handicapped Children, a former director of the St. John Valley Adult Voc-Ed Board. He was a member and third degree Knights of Columbus of Van Buren, member of the Van Buren Lions Club and past king. He was serving his second term on the Governor's Advisory Council on Vocational Education, was a member and former president of the Maine Association of Public Schools, Adult Ed, chairman of the Van Buren Housing Authority, and a member of the Van Buren Chamber of Commerce.

The loss of Gerald Levasseur will be a great one to our small community. I can only hope that others will take it upon themselves to follow in Gerald's footsteps, and to continue on in his memory. Thank you very much, Mr. President.

Which was Adopted.

Sent down for concurrence.

#### Committee Report House

##### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Amend the Workers' Compensation Law." (H. P. 685) (L. D. 799)

Reported that the same Ought Not to Pass.

Signed:

Senator:

DUTREMBLE of York

Representatives:

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

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

Signed:

Senators:

SEWALL of Lincoln  
SUTTON of Oxford

Representatives:

LEWIS of Auburn  
DAMREN of Belgrade  
FOSTER of Ellsworth

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-516).

Which Reports were Read.

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

#### Committee Report House

##### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Clarify the Liability of Employers under the Workers' Compensation Act." (H. P. 570) (L. D. 646)

Reported that the same Ought Not to Pass.

Signed:

Senator:

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

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

Signed:

Senators:

SEWALL of Lincoln  
SUTTON of Oxford

Representatives:

LEWIS of Auburn  
DAMREN of Belgrade  
FOSTER of Ellsworth

Comes from the House, Bill and Papers Indefinitely Postponed.

Which Reports were Read.

On motion by Senator Sewall of Lincoln, the Minority Ought to Pass Report of the Committee Accepted, in non-concurrence, and the Bill Read Once. On motion by Senator Pray of Penobscot, Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

##### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Reform the Statutes Relating to Driving under the Influence of Intoxicating Liquor or Drugs." (H. P. 1351) (L. D. 1541)

Reported that the same Ought to Pass in New Draft under Same Title. (H. P. 1585) (L. D. 1681)

Signed:

Senators:

DEVOE of Penobscot  
CONLEY of Cumberland  
KERRY of York

Representatives:

LUND of Augusta  
O'ROURKE of Camden  
JOYCE of Portland  
DRINKWATER of Belfast  
LIVESAY of Brunswick

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under same Title. (H. P. 1586) (L. D. 1682)

Signed:

Representatives:

HOBBINS of Saco  
REEVES of Newport  
SOULE of Westport  
CARRIER of Westbrook  
BENOIT of South Portland

Comes from the House, the Bill, in New Draft, (H. P. 1585) (L. D. 1681), Passed to be Engrossed.

Which Reports were Read.

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

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

#### Committee Report House

##### Leave to Withdraw

The Committee on Labor on, Bill, "An Act Concerning Workers' Compensation Cost Containment." (H. P. 502) (L. D. 553)

Reported that the same be granted Leave to Withdraw.

Comes from the House, Bill substituted for the Report and subsequently Passed to be Engrossed as amended by House Amendment "A" (H-515).

Which Report was Read.

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

The President laid before the Senate:

Bill, "An Act Relating to Aquaculture" (H. P. 1128) (L. D. 1345), Tabled earlier in today's session by Senator Pray of Penobscot, pending Consideration.

Is it now the pleasure of the Senate to Recede and Concur with the House?

It is a vote.

(Off Record Remarks)

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