

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

INDEX

FIRST SPECIAL SESSION

AUGUST 3, 1981

INDEX

FIRST CONFIRMATION SESSION

AUGUST 28, 1981

INDEX

SECOND SPECIAL SESSION

SEPTEMBER 25, 1981

INDEX

THIRD SPECIAL SESSION

DECEMBER 9, 1981

INDEX

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

June 3, 1981

Senate called to order by the President.

Prayer by The Honorable Michael E. Carpenter of Houlton.

Senator CARPENTER: Let us pray. Our heavenly Father, as we enter into these last three or four Legislative Days, in this Session, may we as the elected men and women of the people of the State of Maine do our jobs to the very best of our abilities, be consistent, be sincere, and come out of this Legislative Session, with legislation that will benefit all of the people of the State of Maine. Amen.

Reading of the Journal of yesterday.

Under Suspension of the Rules:

On motion by Senator PIERCE of Kennebec, ORDERED, the House concurring, that when the House and Senate adjourn, the House adjourns to Tuesday, June 9, 1981, at 9:30 o'clock in the morning and the Senate adjourns to Tuesday, June 9, 1981, at 10:00 o'clock in the morning. (S. P. 667)

Which was Read and Passed.

Sent down forthwith for concurrence.

(Off Record Remarks)

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

**Papers from the House
House Paper**

Bill, "An Act to Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for State Employees Excluded from Collective Bargaining." (Emergency) (H. P. 1598) (L. D. 1683)

Comes from the House, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Which was referred to the Committee on Appropriations and Financial Affairs, and Ordered Printed, in concurrence.

Non-concurrent Matter

Bill, "An Act to Increase the Eating, Lodging and Recreational Place Licensing Fee." (H. P. 63) (L. D. 97)

In the House, March 18, 1981, Passed to be Enacted.

In the Senate, March 20, 1981, Failed of Enactment.

Comes from the House, that Body Having Adhered.

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

Senator COLLINS: Mr. President, I move that the Senate Adhere.

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Adhere.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, I move that the Senate Recede and Concur with the House, and would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator TROTZKY: Mr. President and Members of the Senate, this Bill was acted on way back on March 20th, and it is my understanding that we have to raise the fee, I believe, it is \$5 to maintain the number of inspectors in the field to make sure that we have sanitary conditions in restaurants throughout the State.

Maine is a vacationland and we do have an obligation to make sure that our restaurants are inspected and motels are inspected regularly.

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

Senator GILL: Mr. President, this Bill has been Tabled for quite a long time, on the other

Body's Table, and this Body did not agree to Passage of this Bill, because it had been through the Committee of Health and Institutional Services, it had been originally a much larger fee involved. It was reduced when it came out of Committee.

The Department was using other funds to fund these people and this Body felt that there was no need for this Bill, at this time.

I would ask that the Senate vote to Adhere.

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

Senator BUSTIN: I am waiting for some information from Human Services on exactly what the effect would be if we did not get this \$5 increase. I would appreciate it if we could Table this for later in the day.

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

Senator GILL: There has been, in my estimation, ample time for any information to be gotten from Human Services. This Bill has been on the Table from early March, at least. Any information that was needed, to see that this passed or failed should be gotten in that time.

We knew that we only had 3 more days to go in this Session, and that bills were going to be taken off the Table at various times, and I think that there was ample time to get any information needed.

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

Senator TROTZKY: Mr. President, I move that this be Tabled until later in today's session.

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

Senator COLLINS: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Trotzky, to Table L. D. 97 until later in today's session, please rise in their places to be counted.

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

12 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion to Table does not prevail.

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Mr. President and Members of the Senate, I do not have too much more to say on this Bill. I think that everybody remembers the discussion before. The fact is that what this \$5 increase will do is pay for sanitarians to inspect the restaurants and eating establishments. For the most part that is what it is for.

Now, I understand that there are lots and lots of problems as to who gets inspected and who inspects them, whether it is the Department of Agriculture, the Department of Human Services or what they do. That is an administrative problem that I think that they are trying to work out, I hope that they are.

I would, also, remind the Senate that we passed with almost no trouble the Dental Practices Act, which raised the fee of dentists, without hardly a whimper, we raised that. Are we as concerned about what we eat, making sure that we are eating in clean establishments? They do have a problem over there, they aren't going to be able to inspect as much.

I want to go on Record as not being responsible if we find out that our restaurants are deteriorating to such an extent that we can no longer attract the tourist industry, or that we begin to get a bad name because we can not keep clean restaurants. The way that you do that is to have inspections. You have people coming in when you do not know that they are coming, and you try to keep a clean restaurant so that you can get a license from the Department of Human Services.

I think, that \$5 across the board is little enough with the increase in the gasoline, that

they have to pay, all of the transportation costs. You can't operate on the same budget that you operated on years ago, you have to have that increase, I would appreciate your going with the Recede and Concur motion. Thank you.

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 Penobscot, Senator Trotzky, to Recede and Concur with the House, please rise in their places to be counted.

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: I request a Roll Call.

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

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President the question before the Senate is to Recede and Concur?

The PRESIDENT: The Chair would answer in the affirmative.

Senator CONLEY: If one is opposed to the bubonic plague one will vote yes.

The PRESIDENT: Is the Senate ready for the question?

A Yes vote will be in favor of Receding and Concurring.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Brown, Bustin, Carpenter, Clark, Conley, Dutremble, Najarian, O'Leary, Pray, Trafton, Trotzky, Usher, Violette.

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

ABSENT — Charette, Kerry, Wood.

A Roll Call was had.

13 Senators having voted in the affirmative and 16 Senators in the negative, with 3 Senators being absent, the motion to Recede and Concur with the House does not prevail.

Is it now the pleasure of the Senate to Adhere?

It is a vote.

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

Senator CLARK: Mr. President, I request that Members of the Senate be given Leave to remove their jackets for the duration of the First Regular Session of the 110th Maine Legislature.

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

Is this the pleasure of the Senate?

It is a vote.

**Communication
House of Representatives**

June 2, 1981

Honorable May M. Ross
Secretary of the Senate
110th Legislature
Augusta, Maine
Dear Madam Secretary:
House Paper 756, Legislative Document 893,
An Act to Reduce the Bonding Authority of the

Maine Guarantee Authority, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Sixty-three voted in favor and eighty-five against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully
S/EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

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

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

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

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

Recess

After Recess

The Senate called to order by the President.

Committee Reports

House Leave to Withdraw

The Committee on Labor on, Bill, "An Act Relating to Attorney's Fees Under the Workers' Compensation Law." (H. P. 565) (L. D. 641)

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-513) as amended by House Amendment "A" (H-524), Thereto.

Which Report was Read.

On motion by Senator Sewall of Lincoln, the Bill Substituted for the Report, in concurrence, and the Bill Read Once. House Amendment "A" Read. House Amendment "A" to House Amendment "A" Read.

On motion by Senator Sewall of Lincoln, House Amendment "A" to House Amendment "A" Indefinitely Postponed, in non-concurrence.

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

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

Senator PRAY: I move Under Suspension of the Rules this Bill be given its Second Reading at this time.

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

Senator SEWALL: I object.

On motion by Senator Pray of Penobscot, the Bill assigned for Second Reading later in today's session.

Ought to Pass — As Amended

The Committee on Marine Resources on, Bill, "An Act Establishing a Voluntary Income Protection Program for Shellfish Harvestors." (H. P. 1450) (L. D. 1590)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-510).

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

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Commit-

tee Amendment "A" was Read and Adopted, in concurrence, and the Bill, as amended, Assigned for Second Reading later in today's session.

Senate

Ought to Pass in New Draft

Senator HUBER for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Making Supplemental Appropriations from the General Fund for the Fiscal Years Ending June 30, 1982 and June 30, 1983. (Emergency)" (S. P. 125) (L. D. 267)

Reported that the same Ought to Pass in New Draft under New Title: Bill, "An Act Making Supplemental Appropriations from the General Fund for the Fiscal Years Ending June 30, 1981, June 30, 1982, and June 30, 1983." (Emergency) (S. P. 666) (L. D. 1686)

Which Report was Read and Accepted and the Bill, in New Draft, Read Once and Assigned for Second Reading later today's session.

(Off Record Remarks)

Divided Report

The Majority of the Committee on Energy and Natural Resources on, Bill, "An Act to Establish a Fund to Implement the Hazardous Waste Program in Lieu of a General Fund Appropriation." (S. P. 447) (L. D. 1303)

Reported that the same Ought to Pass in New Draft under New Title: Bill, "An Act to Establish a Hazardous Waste Response Fund and to Facilitate the Development of Needed Waste Facilities." (S. P. 660) (L. D. 1684)

Signed:

Representatives:

HALL of Sangerville
MITCHELL of Freeport
MICHAUD of East Millinocket
KIESMAN of Fryeburg
HUBER of Falmouth
JACQUES of Waterville
DAVIES of Orono
MICHAEL of Auburn

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under New Title: Bill, "An Act to Establish a Hazardous Waste Response Fund and to Facilitate the Development of Needed Waste Facilities." (S. P. 661) (L. D. 1685)

Signed:

Senators:

McBREAIRTY of Aroostook
REDMOND of Somerset
O'LEARY of Oxford

Representatives:

DEXTER of Kingfield
AUSTIN of Auburn

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairty. Senator McBREAIRTY: Mr. President, Honorable Members of the Senate, I move the Minority Ought to Pass Report.

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

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I am a cosponsor of this Bill, of which the Senator from York, Senator Kerry, is the prime sponsor. This Bill, I know, has had a great deal of work. There isn't a big difference between the two Reports, but there is a significant difference. I understand that the Senator from Aroostook, Senator McBreairty, is working on an amendment to correct one error in the Minority Report Draft. I'm hopeful that this could be looked at and brought forward this afternoon. Thank you.

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

Senator KERRY: Yes, Mr. President and Ladies and Gentlemen of the Senate, as the

prime sponsor of this Bill, I do find that I would move that we not Accept the Minority Report but move the Ought to Pass Report. As the good Senator from Knox, Senator Collins, stated, that there is an amendment being prepared for both Reports. As I understand it from the Committee and Senator McBreairty, that his amendment would apply to both the Majority and Minority Report.

Essentially, the history of this Bill has been that we have been debating the hazardous waste issue for quite some time. The Committee on both sides of the issue have come to an accord on many, many specific issues. They have come down to a major disagreement whether or not we would include, first of all, waste oil, in the Hazardous Waste Bill. This, I think, is a major positive move in the fact that we have come down through this complete Session with just a hang-up on that one specific item.

The amendment that would be presented would deal with a cap of the amounts of monies that would be allocated through the fee system through the Department. That would deal with, instead of being \$20,000, it would be \$15,000. This was a technical error.

Secondly though, I do think that the current Bill, in terms of the Majority Report, is a more comprehensive approach to the hazardous waste problem in the State. Everyone knows that we have gone through the problems of Love Canal. Everyone knows that we have gone through many problems within the State of Maine, in Gray, and North Berwick, and many of the community dumps such as in Saco and other areas.

This Bill, as it stands, will do much to rectify this issue. It is a positive step in the right direction for protecting our environment in the State of Maine.

I commend the Committee, the Energy and Natural Resources Committee, for ironing out the harder issues. I commend the other people, the Senator from Aroostook, Senator McBreairty and also, the good Senator from Oxford, Senator O'Leary for working very hard on this Bill.

I think that in the spirit of compromise and the spirit of understanding, that we discussed the fact that the 5 million gallons of hazardous waste oil, for which has been determined over 50 percent of the hazardous waste oil in the State does contain hazardous waste materials. The problem has been whether or not we're going to assess a one cent fee for the hazardous waste oil coming into the State, and a half cent fee for the hazardous waste oil that is transported within the State.

Essentially, it will not touch any of the small hazardous waste oil collectors who have less than 1000 gallon tanks in their facilities.

Primarily there are five different persons that would be involved, five different companies that would be involved. I think this Bill should pass. I think the Majority Ought to Pass Report should be Accepted. I think the Minority Ought Not to Pass Report should not be Accepted. I would state that the people want to have a strong hazardous waste control mechanism. This Bill will control all of the hazardous waste material in the State. It is very important.

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

Senator McBREAIRTY: Mr. President and Honorable Members of the Senate, I guess I would say that this probably is far from a perfect Bill, but it did have more work than any other bill that was before Energy and Natural Resources this year. The intent of this Bill, I guess, was to set up a fee, or fund, to take care of hazardous waste spilled. It goes far beyond that already. It does create five new positions. We have set up expenditures of \$170,000 for the first year of the biennium and \$245,000 for the second year of the biennium. Whichever Report you Accept collects plenty of money to

cover the expenditures that we have set up in the Bill.

Basically, the only difference between the two Bills is the oil, the tax on used oil.

There's a couple of reasons why I didn't go with the tax on used oil. One reason is that it is not considered a hazardous waste. Used oil, as such, is not a hazardous waste. I guess you can mix hazardous waste in it, you can mix hazardous waste in sawdust if you want and call that a hazardous waste.

The only difference is the oil. Oil already is covered under the Oil Conveyance Act. We have a \$6 million fund set up to take care of any spills, oil spills. I feel it's adequately covered under the Oil Conveyance Act.

I think there's a couple of Constitutional questions, I think, in the Bill and in the Majority Report. I think one Constitutional question is the fact that they have a different fee for oil coming in from out-of-state and oil in state. I think interstate commerce is a question as to whether you can charge different fees.

I would hope that you would Accept this Minority Report. It's a real step in the right direction. We may have to correct some of the problems in the Bill when we come back another year. I think it's going far enough.

This Bill is putting a \$10,000 fee for application, application of license, for a disposal facility. It's putting a \$7000 fee for a commercial treatment facility. An on-site treatment facility for \$4000. Other waste facilities for hazardous waste include treatment facilities other than on-site and commercial treatment, \$2500. If you withdraw your application before it's through, you get a 50 percent refund. If you're not approved, you get nothing back. There's annual license fees, license for hazardous waste facilities are subject to following annual fees of \$1500 for a disposal facility. Commercial treatment facility and an on-site treatment, \$1000. There's another fee of \$500.

This is a real step in the right direction. It's taken a lot of money out of these industries. I hope you go along with the Minority Report.

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

Senator COLLINS: I support the remarks of the Senator from Aroostook, Senator McBreairey. When I was first approached to see if I was interested in joining in the sponsorship of this, I understood the approach to be basically one of replicating the Oil Conveyance Act, which taxes oil to have a fund to clean up spills.

When the Bill was developed, it became a much bigger vehicle than that. It is more than a response mechanism. The significant words in the title of the original bill are "in lieu of a General Fund Appropriation". This means that people who produce or treat or transport, collect, and so forth potentially hazardous waste are going to have to bear this burden.

I commend the industrial people in the State of Maine. I have given at least some measure of support to this. I think that we're going to be in serious danger of bureaucratic over-reaching if we go to the Majority Report.

The Department of Environmental Protection naturally, would like to have just as many functions of that Department as possible funded by a dedicated revenue that comes out of a particular group, a small group of people without many votes.

I think it's very important that we not over-reach in this matter. My particular concern was for the small collectors of waste oil. As you know, when we have our motor vehicles lubricated, the used oil is drained out and collected by these filling stations and garages and so forth. Then, small businessmen in Maine collect that in small trucks, relatively small trucks. They collect it and put it in their own storage places. When they get enough, then they haul it to a place where they can sell it. One of the places they can sell it, for example, is over in Jay at the paper company where it's used, it's burned.

The concern was expressed that maybe some poisonous things will be put into that. We have a law in the books to police that, that is we have fines, the Governor is signing, I believe, or has signed, a Hazardous Waste Penalty Bill. The mechanism we're proposing to set up, it seems to me, is going to be adequate to get some pretty good surveillance of this whole picture.

If we put what amounts to a tax on these small businessmen for doing something that is extremely useful, if that waste oil isn't collected and hauled to a place where it can be properly disposed of, as is the firm practice in business, if we hurt those people, we're hurting somebody who has not done anything wrong, who is providing a useful service, who is not making very much money. It seems to me that's the wrong way to go.

That's the significant difference, at least one of them, between the Reports. I urge you to stick with the Minority Report.

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

Senator KERRY: Mr. President and Ladies and Gentlemen of the Senate, I rise once again to just clarify a few points. Number one, this Bill was patterned after the Oil Conveyance Fund in the State of Maine, which is working very well, which is protecting our environment, which was one of the landmark pieces of environmental legislation in the country.

Secondly, I think we've taken a major leadership role with regards to the hazardous waste problem in the State and throughout the country. The question that I have with regards to the constitutionality of charging a different fee for out-of-state to interstate transportation, there is no difference in either Bill. If you look at the Section D, Section 3, of 1684 of the Bill that we're dealing with now, the one in the Majority or the Minority Report, charges double the fee for transportation in-state of hazardous waste. We don't want hazardous waste in the State of Maine. We don't want to bring Massachusetts' hazardous waste to Maine, nor do we want to bring any other facilities. Both Reports agree with that. No one questions the constitutionality of this particular fee on waste oil.

Secondly, the major difference that we're talking about here out of a total amount of money of \$600,000 is a mere \$35,000 for the hazardous waste fee, in terms of oil.

Secondly, it is important to note that persons who are involved with the collection and sale of hazardous waste oil or just waste oil sell it for over 20 cents and 30 cents a gallon. The fee that is being set is only half a cent for in-state and one cent for coming from out-of-state. As a businessman, I don't consider that a very onerous amount of money to pay for the protection of our environment.

More importantly, I think this is the stage for us to set a public policy. We're trying to work regionally with the other New England states. Many businessmen have complained about the federal manifest systems that have a different, manifest system for Maine, a different one for New York, or Massachusetts, Vermont. Three other states, Massachusetts, Rhode Island, and Vermont currently list waste oil as hazardous waste. They tax it or fee it or do whatever they want accordingly. We are not doing that. We just want to make sure that we are consistent with the regional basis. We are putting a minimum fee on this amount of waste oil.

I would say that the disposal of much of this waste oil in our State is questionable. It has been proven, by over 50 percent of the waste oil of the 5 million gallons that are here, that 50 percent of it does have hazardous waste materials in it.

More importantly, it costs as much as \$1,500 to do an analysis of a tank load of waste oil. If you just take the \$35,000 that would be accrued by this half cent and one cent fee, you're going to use up that \$35,000 very quickly in terms of trying to monitor hazardous waste oil in the State.

I would say that it is not an onerous burden on the small businessmen. I do not believe it is going to be a detriment to the development of business in the State or the sale of waste oil. What it is going to do is going to give the people of the State of Maine the capability to monitor this hazardous material forthrightly and with the proper administrative mechanism to do so. I think it's a very small price to pay.

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

Senator MCBREAIRTY: Mr. President, Honorable Members of the Senate, if half the oil that's being transported has hazardous waste mixed in with it, all they have to do is catch the few of those people and they're liable for a \$50,000 fine for each violation. This should give them the money they need to check a few more.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, Men and Women of the Senate, I would hope today that you would reject the Minority Ought to Pass Report so that we could Accept the Majority Ought to Pass Report. Earlier, the good Senator from Knox, Senator Collins, pointed out a problem that he thought existed in the Bill with regard to the small businessman, the handler of small amounts of oil. I would just like to clarify that one point.

The Committee specifically tried to exclude the handler of small amounts of oil. No generator has to pay a fee if that generator deals with less than 1000 kilograms, which equals 2205 pounds, in any calendar month. The small generator has specifically been excluded.

I would, also, like to refer to the Oil Conveyance Fund, which the good Senator from Aroostook, Senator McBreairey, mentioned earlier. Indeed, such a fund does exist, however, that fund is of a very different nature. That does not deal with waste oil. That deals with oil in the first instance when it is brought into this State. It was established under the Coastal Protection Act, and as such deals primarily with oil spills in the coastal areas.

Again, this morning we're talking about waste oil. The problem is acute. It's recognized already by three of the six New England states, who include waste oil as a hazardous waste.

Recently, the DEP collected many samples of waste oil through the cooperation of Maine's waste oil dealers. I'd just like to tell you some of the things they found in analyzing those samples, if you have any illusions that waste oil is not or should not be considered a hazardous waste. Obviously there were many things in that, but I think the one that most poignantly calls the point to mind is the incidence of PCB's. Out of the samples, 45 percent contained an incident of PCB's beyond the federal allowable limit. As you'll probably remember, PCB's because of their persistence in ecological damage from water and food chain pollution, have been disallowed from manufacturing in the United States since 1976. I think it would be a serious loophole if we didn't include waste oil in this hazardous waste legislation.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

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

Obviously more than one-fifth having arisen

a Roll Call is ordered.

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

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Collins, Devoe, Emerson, Gill, Hichens, McBreairty, Minkowsky, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Sutton, Teague, Usher, Violette.

NAY — Brown, Bustin, Carpenter, Clark, Conley, Dutremble, Huber, Kerry, Najarian, Shute, Trafton, Trotzky.

ABSENT — Charette, Wood.

A Roll Call was had.

18 Senators having voted in the affirmative and 12 Senators in the negative, with 2 Senators being absent, the motion to Accept the Minority Ought to Pass, in New Draft, Report of the Committee, does prevail.

The Bill, in New Draft, Read Once and Assigned for Second Reading later in today's session.

Second Readers

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

House

Bill, "An Act to Reform the Statutes Relating to Driving under the Influence of Intoxicating Liquor or Drugs." (H. P. 1585) (L. D. 1681) Which was Read a Second Time.

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

Senator DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate, I'd like to make some brief remarks concerning this Bill before we hopefully Pass it to be Engrossed. The first thing this Bill does is that it introduces into the statutes for the first time the concept of excessive blood alcohol in the blood. It provides that .10 percent or greater content of alcohol in the blood is going to be a per se violation of the statutes, that is, it will be evidence of guilt of either the charge of operating under the influence, or operating with excessive blood alcohol.

Secondly, it introduces an option, gives an option to the district attorney to charge a person with either a criminal or a civil violation. If a criminal violation is charged, and the defendant is found guilty, then there is a mandatory 48 hour jail sentence that shall not be suspended.

The Bill also provides that if there is a violation of the criminal charge in this statute, then the license will be suspended for a period of 90 days. If there is a civil violation, then the suspension will be for a minimum period of 45 days.

There is, also, a provision in this Bill that upon conviction of either the criminal or civil charge, the only reason for which a temporary license may be granted is for purposes of insuring attendance at an alcoholic rehabilitation program, or at the DEEP program, which is the Driver Education and Evaluation Program.

This Bill is a diminution of many of the terms that were in the original Governor's bill. It comes out of our Committee with a very heavy Ought to Pass Report. I hope that all the Senators will vote for this Bill to be Passed to be Engrossed. Thank you very much, Mr. President.

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

Senator CONLEY: Mr. President and Members of the Senate, when this Bill first came before the Committee on Judiciary, I had personally some very strong reservations as to the

earlier draft. I think the Senate should know I believe the Committee on Judiciary spent a good 12 hours or more just working on this Bill. We had district attorneys from all over the State coming in on work sessions. I, for one, had reservations originally that whenever a district attorney made the selection of either going civilly or criminally, that perhaps those who were in the higher echelon of life would be going the civil route, and those from the lower elements of life would be going the criminal route.

I am firmly convinced today that any district attorney who was caught playing games in that manner would be brought to the focus of the general public. I'm sure that he would not be very well received.

We have amended this Bill in many fashions, as the good Chairman from the Judiciary Committee, Senator Devoe of Penobscot, has explained. I think the Bill is a very worthwhile Bill. I think it spells a message loud and clear, not only in the State of Maine, but across this land, that this State is not going to sanction people drinking and driving under the influence of liquor.

One other real amendment on this Bill that I think is one that the Judiciary Committee showed in a compassionate way, was to reduce the 72 hours down to 48 hours, so that any individual who was brought to the court under the criminal sanction of the Bill, that they would be able to spend their little two day's incarceration possibly on a weekend in the Bastille, further eliminating any additional financial hardship upon a family, and therefore, to pay the penalty in that manner. Plus the fact of being once found guilty, be paying the \$350 fine, and secondly the loss of license that has been explained by the Senator from Penobscot, Senator Devoe.

Which was Passed to be Engrossed, in concurrence.

House — As Amended

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

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

Bill, "An Act to Amend the Workers' Compensation Law." (H. P. 685) (L. D. 799)

Which was Read a Second Time.

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

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

Which was Read a Second Time.

On motion by Senator Pierce of Kennebec, the Senate voted to Reconsider its action whereby it Adopted House Amendment "A".

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

Senator PIERCE: Mr. President, I now present Senate Amendment "A" to House Amendment "A" under filing number S-326 and move its adoption.

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

Senate Amendment "A" to House Amendment "A" (S-326) Read and Adopted. House Amendment "A", as amended by Senate Amendment "A", Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

Senate

Bill, "An Act to Continue the Maine Turnpike Authority." (S. P. 650) (L. D. 1676)

Which was Read a Second Time.

On motion by Senator Pierce of Kennebec,

Tabled until later in today's session, pending Passage to be Engrossed.

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

Enactor

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

AN ACT to Recodify and Amend the Maine Guarantee Authority Laws. (H. P. 1563) (L. D. 1671)

Comes from the House, Pursuant to Joint Rule 4, and the Governor's Veto, the Chair ruled matter not properly before the Body.

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

Orders of the Day

On motion by Senator Pierce of Kennebec, the Senate voted to remove from the Table: Bill, "An Act to Continue the Maine Turnpike Authority." (S. P. 650) (L. D. 1676) tabled earlier in today's session by the Senator from Kennebec, Senator Pierce, pending Passage to be Engrossed.

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

Senator CONLEY: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Are we dealing with I assume L. D. 1676, to continue the Maine Turnpike Authority?

The PRESIDENT: The Chair would answer in the affirmative.

Senator TROTZKY: This morning I took a hard look at this Bill, because of concerns expressed by Senators Minkowsky, Charette, and Senator Trafton yesterday. On page 7 of the Bill, it says that essentially after the bonds are paid off, revenue for access roads, and it says, priority shall be given to the construction of access roads which will promote industrial and economic development of communities adjacent to or near the Turnpike, whose present lack of access tends to discourage that development.

Essentially, monies can be used, as priority it says here, these monies shall be used to construct access roads, and that would cover Lewiston/Auburn, as I also understand the community of Biddeford. I do feel that this is a good Bill.

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

Senator TRAFTON: Mr. President, Men and Women of the Senate, I'd like to respond briefly to the Senator from Penobscot, Senator Trotzky. Yes, there is language in there that would seem to give a priority to areas such as Lewiston/Auburn, and perhaps to Biddeford. One of the problems in a closed system, however, is that it costs more to construct any type of access roads in a closed system. You have to clover leaf all the roads around the Turnpike, so that they all eventually go to the same point of origin, where in fact you can construct another toll booth to monitor the traffic going in and out.

There's a great concern under both the closed system and the open system, or the barrier system, exactly how much is going to be available for any kind of access roads. The Bill before you precludes a lot of options, we feel. The proposal that we are suggesting that we adopted yesterday, the Minority Report, would have left some options open to us. There's no need to make the decision today. The bonds are not paid off. We have the time to do the study that was mandated in the original piece of legislation, or that was asked for under the Minority Report. We'd like that information to assure ourselves that indeed funds would be available for access roads, whether that deter

mination eventually came down as a closed system or an open system.

I think we're shutting off our options today, if we Pass this Bill to be Engrossed. In shutting off our options, we're shutting off a lot of options in terms of economic development, for the second largest metropolitan area in this State, Lewiston/Auburn.

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

Senator EMERSON: One point that wasn't brought out in the debate yesterday which I feel should be brought out is regard to the pay back to the federal government. If the toll system remains intact, either with the barrier system or with a closed system, there is a pay back to the federal government.

In the barrier system, it would cost the State about \$3 million. In the closed system, as I understand it, the pay back to the federal government would be about \$8 million. There would be quite a lot more to pay back to the federal government if the system remained closed.

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

Senator DUTREMBLE: Mr. President, Men and Women of the Senate, I would like to pose a question through the Chair. I'd like to have it explained why it would cost more as a pay back to the federal government if we remain in a closed system. I was just speculating whether or not it's because we'll be making a lot more money that way.

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

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: Mr. President, if this could be Tabled until later in the day's session, I'd explain that.

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

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 — June 2, 1981 by Senator COLLINS of Knox.

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

On motion by Senator Pierce of Kennebec, 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 — June 2, 1981 by Senator COLLINS of Knox.

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

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

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

Bill "An Act Concerning the Suspension of a Driver's 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)

Tabled — June 2, 1981 by Senator COLLINS of York.

Pending — Enactment.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, I move that this Bill be Indefinitely Postponed. We have already considered and dealt with the subject matter of this Bill and the Governor's OUI Bill that was just

Passed to be Engrossed. It's for this reason that I move that we Indefinitely Postpone this Bill and all its accompanying papers.

On motion by Senator Devoe of Penobscot, the Bill and all its accompanying papers Indefinitely Postponed, in non-concurrence.

Sent down forthwith for concurrence.

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

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

Tabled — June 2, 1981 by Senator COLLINS of Knox.

Pending — Enactment.

On motion by Senator Devoe of Penobscot, the Rules were Suspended for the purpose of Reconsideration.

On motion by Senator Devoe of Penobscot, the Senate voted to Reconsider its action whereby L. D. 635 was Passed to be Engrossed.

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

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

Senator DEVOE: Thank you, Mr. President. Mr. President, I now present Senate Amendment "A" to Committee Amendment "A" under filing number S-325 and move its adoption.

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

Senate Amendment "A" to Committee Amendment "A" (S-325) Read.

The PRESIDENT: The Senator has the floor. Senator DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate, this is simply a technical amendment, which makes the Bill conform to changes that have been made in the Governor's OUI Bill that we have just passed. It does away with the distinctive treatment of first and second offenders. I move its passage.

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

Committee Amendment "A", as amended by Senate Amendment "A", Adopted, in non-concurrence.

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

Sent down forthwith for concurrence.

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

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

Tabled—June 2, 1981 by Senator COLLINS of Knox.

Pending—Enactment.

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

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

House Report—from the Committee on Labor—Bill, "An Act Concerning Workers' Compensation Cost Containment." (H.P. 502) (L.D. 553)

Tabled—June 2, 1981 by Senator COLLINS of Knox.

Pending—Acceptance of Report.

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

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

**Paper from the House
Joint Resolution
State of Maine**

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

**JOINT RESOLUTION
MEMORIALIZING THE CONGRESS OF THE
UNITED STATES TO ESTABLISH A
HELICOPTER SEARCH AND RESCUE UNIT
IN MAINE**

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Tenth Legislative Session, now assembled, most respectfully present and petition you Honorable Body as follows:

WHEREAS, Maine has the longest coastline of any continental state, with an extensive maritime heritage, and its social and economic well-being is dependent on its 3,000 miles of coastline; and

WHEREAS, many activities take Maine citizens coastal waters, including fishing, coastal commerce and trade, recreational boating and airline traffic; and commercial fishing is the State's 3rd leading industry; and

WHEREAS, the recent enactment of the 200-mile limit, and promotion and investment by the State and private industry have expanded the fishing industry, with more vessels going further off shore for longer trips; and

WHEREAS, the waters of the North Atlantic are notoriously treacherous, with frequent fog, gales and dangerously cold waters, particularly in wintertime; and

WHEREAS, each year there are many incidents of ships, boats and planes in distress or lost at sea, imperiling many lives and because of the cold, harsh waters, making quick rescue vitally important; and

WHEREAS, while the Coast Guard has provided search and rescue services to the best of its ability, it takes more than 1½ hours for a Coast Guard helicopter to reach our mid-coast region from the nearest base at Cape Cod, Massachusetts, and it takes even longer to reach areas further Down East, and

WHEREAS, many lives might be saved and the peace and security of Maine citizens increased if helicopter assistance were available within the State of Maine, now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to establish a Coast Guard Helicopter Rescue Unit in Maine, and take any other actions that may help safeguard the safety and security of our fishermen; and be it further

Resolved: That a duly authenticated copy of this Memorial be immediately submitted by the Secretary of State to the President of the Senate and the Speaker of the House of the Congress of the United States and to each Member of the Senate and House of Representatives in the Congress of the United States from this State.

(H.P. 1613)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

**Communications
Committee on Audit and Program Review**

June 1, 1981

The Honorable Joseph Sewall
President of the Maine Senate
State House

Augusta, Maine 04333

Dear President Sewall:

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

Total Number of Bills received
in Committee — 1
Unanimous Report — 1
Ought to Pass in New Draft — 1
Respectfully submitted,
S/JAMES A. McBREAIRTY
Senate Chairman
Which was Read and Ordered Placed on File.

**United States Department of Agriculture
Farmers Home Administration**
1 June 1981

Honorable Joseph Sewall
Chairman, State Senate
Senate State House
Augusta, ME

Dear Mr. Chairman:

This is in response to the Joint Resolution of the House of Representatives and Senate Chamber concerning the petition for a general moratorium of principal and interest payments on Farmers Home Administration (FmHA) loans to broiler growers in the State of Maine. We recognize the serious problem confronting the broiler industry in the State of Maine and particularly broiler producers who are indebted to the FmHA. The FmHA will continue to provide financial assistance to broiler producers who can demonstrate a reasonable prospect of accomplishing the objectives of their loans, continue to repay their loan in accordance with their individual repayment ability, properly maintain and account for loan security and otherwise meet the obligations of their loan in a satisfactory manner.

In lieu of a general moratorium, present FmHA regulations authorize the deferment of principal and interest payments on existing debts by rescheduling and reamortizing individual accounts when appropriate. Our Maine FmHA personnel will use these authorities on an individual case basis.

The FmHA will continue to keep its lines of communication open with its borrowers and carry out its traditional role of providing supervised credit to family farmers who cannot obtain credit from any other sources.

Sincerely,
S/DWIGHT O. CALHOUN
Acting Administrator

(S. P. 668)

Which was Read and Ordered placed on File.
Sent down for concurrence.

Order

An Expression of Legislative Sentiment recognizing:

Captain Charles L. Mull, of Brunswick, who received the Military Community Council's prestigious Joshua Chamberlain award for community service on May 30, 1981. (S. P. 669) presented by Senator CLARK of Cumberland (Cosponsors: Representative MARTIN of Brunswick and Representative LIVESAY of Brunswick).

Which was Read and Passed.
Sent down for concurrence.

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:

Bonnie Cox, voice and music teacher in Sherman Mills and Stacyville, grades K-5, for her outstanding contribution to those communities. (H. P. 1600)

Rock E. Garande, son of Mr. and Mrs. Joseph Garande, of Limerick, Valedictorian of Massebesic High School, class of 1981. (H. P. 1601)

William D. Reed, son of Mr. and Mrs. Arthur Reed, of Limerick, Salutatorian of Messebesic High School, class of 1981. (H. P. 1602)

Cynthia M. Stocks, daughter of Mr. and Mrs. Frank Stocks, of Kezar Falls, Salutatorian of

Sacopec Valley School District, Class of 1981. (H.P. 1603)

Gordon Lea, of Old Orchard, Valedictorian of Old Orchard High School, class of 1981 (H. P. 1604)

Melissa Desmond, Rhonda Farrington and Tammy Wing representatives to Girls' State from Old Orchard High School. (H.P. 1605)

James Tarbox, Randy Geaumont, Eric Begin, Philip Townsend, James Chamberlain and Shawn Boynton, representatives to Boys' State from Old Orchard High School. (H.P. 1606)

The Town of Madawaska and the St. John Valley Community on its' 4th Annual Acadian Festival; June 20th-28th, 1981. (H.P. 1607)

Mrs. Mrs. Ralph Remington of York, on their 61st wedding anniversary, June 7th, 1981. (H.P. 1608)

Elizabeth M. Factor, of Bangor, Valedictorian of John Baptist Memorial High School, Class of 1981. (H.P. 1609)

Robert M. Quinn, Jr., of Bangor, Salutatorian of John Baptist Memorial High School, Class of 1981. (H.P. 1610)

With profound gratitude, the great generosity of Charles Shipman Payson, who has made possible a new wing at the Portland Museum of Art. (H.P. 1611)

The 22nd anniversary of Captive Nations Week, to be held the 3rd week in July, in honor of Poland, Ukraine and 25 other captive nations. (H.P. 1599)

Come from the House, Read and Passed.
Which were Read and Passed, in concurrence.

Joint Resolution

A Joint Resolution in Memoriam:
WHEREAS, the Legislature has learned with deep regret of the death of Joel R. LeBlanc, Esq., of Madawaska, a truly outstanding public servant. (H.P. 1612)

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

**Communication
House of Representatives**

June 3, 1981

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

Dear Madam Secretary:
The House voted today to Adhere to its former action whereby it Indefinitely Postponed Bill, "An Act to Clarify the Liability of Employers under the Workers' Compensation Act." (H.P. 570) (L.D. 646)

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

Which was Read and Ordered placed on File.

Orders of the Day

The PRESIDENT: The Chair will appoint as conferees on the part of the Senate, on Bill, "An Act to Provide a Referendum to Abolish County Government and Authorize Reassignment of its Functions and Duties to Appropriate State and Municipal Departments and Agencies. (S.P. 428) (L.D. 1250)

Senator:

PERKINS of Hancock
EMERSON of Penobscot
BROWN of Washington

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

Recess

After Recess

The Senate called to order by the President.

(Off Record Remarks)

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

Enactors

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

AN ACT to Establish and Coordinate Training, Education and Employment Programs for Recipients of Aid to Families with Dependent Children. (S.P. 642) (L.D. 1662)

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

AN ACT to Provide Photographic Nonalterable Drivers' Licenses and Identification Cards. (H.P. 1555) (L.D. 1666)

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

AN ACT Relating to the Public Utilities Commission Officials' and Employees' Compensation. (H.P. 577) (L.D. 657)

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

Emergency

AN ACT to Amend the Maine Health and Higher Educational Facilities Authority Act. (S.P. 648) (L.D. 1674)

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

Bond Issue

AN ACT Authorizing a Bond Issue in the Amount of \$29,300,000 for the Purposes of Fostering Agricultural and Economic Development in the State of Maine. (S.P. 488) (L.D. 1428)

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

Bond Issue

AN ACT to Authorize a General Fund Bond Issue in the amount of \$2,500,000 to Assist Municipalities with Resource Recovery of Solid Waste. (H.P. 1528) (L.D. 1641)

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

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

Second Readers

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

House

Bill, "An Act Relating to Attorney's Fees Under the Workers' Compensation Law." (H.P. 565) (L.D. 641)

Which was Read a Second Time.

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

Senator SEWALL: Thank you, Mr. President, I present Senate Amendment "A" under filing number S-327 and move its adoption and would speak briefly.

The PRESIDENT: The Senator from Lincoln, Senator Sewall offers Senate Amendment "A" to LD 741 and moves its adoption.

Senate Amendment "A" (S-327) Read.

The PRESIDENT: The Senator has the floor. Senator SEWALL: Thank you, Mr. President.

This Amendment allows payment of attorney's fees up to \$200 in those cases where the employee loses, and in undisputed cases where

the attorney merely reviews or approves an agreement. It insures that employees will be able to obtain the services of an attorney in all Workers' Compensation cases.

Senate Amendment "A" Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

House—As Amended

Bill, "An Act Establishing a Voluntary Income Protection Program for Shellfish Harvesters." (H.P. 1450) (L.D. 1590)

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

Senate

Bill, "An Act to Establish a Hazardous Waste Response Fund and to Facilitate the Development of Needed Waste Facilities." (S.P. 661) (L.D. 1685)

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

(See Action Later Today)

Bill, "An Act Making Supplemental Appropriations from the General Fund for the Fiscal Years Ending June 30, 1981, June 30, 1982, and June 30, 1983." (Emergency) (S.P. 666) (L.D. 1686)

Which was Read a Second Time.

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

Senator CARPENTER: Mr. President, I present Senate Amendment "A" to LD 1686, under filing number S-330.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, offers Senate Amendment "A" to LD 1686, and moves its Adoption.

Senate Amendment "A" (S-330) Read.

The PRESIDENT: The Senator has the floor.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, my Amendment is very straightforward and very simple.

It would add \$170,000 to the budget, \$85,000 in each year of the biennium. The language and the money would be used to keep, to maintain the existing Bookmobile Program in Houlton, Southern Aroostook area, and also, the one in Washington County.

I grew up as a product of a very small community, a very small school, and in 7th grade I remember very well, the Bookmobile, the first time it came. It is very, very important to my area. I want to commend the Committee on Appropriations and Financial Affairs in the job that they have done in trying to find an alternative, a substitute to the Bookmobile Program, which I will grant you, has become costly, but more costly or less cost effective if you will, over the years due to the increasing prices in gasoline and petroleum products.

There is nothing that will take the place, in my rural communities, of the hands on experience of being able to go into the Bookmobile, on a given day, and to pick up the books. Nothing is as important to some of these people in rural Maine as this ability, if you will, this link with the outside world.

This Bill, this Amendment would simply buy some time, would give reprieve to these 2 areas that are isolated from the library service in the State, 2 years, in which to make arrangements for local contributions and supports so that they can become part of the Regional Library System.

I would urge its Adoption and would ask for the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate, I applaud what the good Senator from Aroostook is trying to do, but I would urge you to vote against this

Amendment.

If there is any subject that I have heard any less about than the Bookmobile, I don't know what it is, and unless he wants to represent an Amendment to replace all the Bookmobiles in rural Maine, I will not support it for that part of the State.

The Bookmobile in rural Oxford County is just as important as it is in East Machias and Washington County, and I think at this point to start messing with this budget for just one parochial interest is not in the best interest of all the people in the State of Maine. I certainly would object to it, and I say if you're ready to put the whole thing back in, let's start going over the budget, and let's start seeing where we are, and do it properly and equitably for all the people of the State.

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

Senator NAJARIAN: Mr. President, Members of the Senate, I, too, would urge the Senators to vote against this Amendment.

The Appropriations Committee spent quite a long time trying to work out a substitute program for the Bookmobile, which as the good Senator from Aroostook, Senator Carpenter, has said had become prohibitively expensive.

I think that we now have in place, a better program than existed with the Bookmobile. The 200,000 books that are in the Bookmobile Library will be made available to those communities formerly served by the Bookmobile, and in fact, rather than going to the Bookmobile on a certain day, those books will be there every day, all year round, and people won't have to say, be at a certain, the school or something, for one afternoon a month or every six weeks. The Library will rotate those books on an annual basis, and so forth.

The communities said, when they came to testify to keep the Bookmobile said, that they will be willing to put some money into keeping the Bookmobile service.

The Bookmobiles will go into surplus, and they will be available from the Bureau of Purchases. Governmental entities have first crack at surplus property, and the terms can be negotiated, as for example, no down payment, six years to pay, and of course, the price I'm sure will be reasonable because what demand is there for a Bookmobile today that gets four miles to a gallon of gas? The only stipulation is that they be used for the purpose agreed upon for at least one year.

The Governor's original recommendation, recommended abolishing the Bookmobile Program to be replaced by books by mail. He did not put in any money to do that, or any personnel. The Committee restored 6 positions for this for the books by mail service, plus \$173,000 in the first year and \$161,000 in the second year. People will be able to order books on a free WATS line. The book will be mailed to them, and with return postage paid. I think that books will now be more accessible to more people than previously existed with the Bookmobile Program, and I for one, am optimistic that once they get used to this new service, they're going to be mightily pleased. And, I hope you'll defeat this Amendment.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, just briefly to respond, I understand that nobody's sure whether or not the language went into Part I as to whether or not the communities could buy these from surplus. So, that may not, may be a rather hollow argument.

As far as the good Senator from Oxford, I appreciate that the Bookmobile is every bit as important in his area, and I would support him if he were so inclined to offer an amendment or if an amendment were to come from the other Body.

I was mainly concerned with my area. Call it parochial, if you want. I don't think this is just

a parochial attempt to open-up the budget. I don't think the good Senator from Cumberland, Senator Huber, came in here today prepared to sit back and except his budget today, or an Enactment stage, or his Appropriations Table Bills to roll through here. That's not the system. That's not the reason I was sent down here. There are things in that budget, and there are going to be bills come off that Table, Indefinitely Postponed, that I will be voting for. There will be bills come off that table, funded, that I will be voting against. That's the prerogative of every member of this Chamber. If you wish not to reinstitute the Bookmobile, in regards to this Amendment, I ask you to vote against the Amendment, but I hope that you would do it on that basis.

I don't think any member of this Legislature expects that we're going to roll over and play dead simply because the Committee, and they put a lot of work into it, I'm not faulting the Committee, simply because the Committee comes out with a Report. If that was the case then we had better go back and re-examine some of the things we've killed in this Session, because we've killed some Unanimous Committee Reports. We've killed some pretty lopsided reports coming out of committees.

So, there is nothing sacred about the process. The process is just that. It's a process to arrive at a consensus. These happen to be unanimous committee reports, because that's the only way they can survive. We all know that. Don't fool ourselves.

I don't know how much support there is for this amendment but I would hope the amendment will be considered by itself. If I get one vote of this, fine, sobeit, but it's not a parochial attempt to upset the apple cart or ruin anybody's budget, it is something I happen to feel very strongly about.

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

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, I think any amendment, as far as the Bookmobile goes, should address all the rural areas in the State. I happen to represent 3 rural counties of the State, Waldo, Knox and Kennebec, and I know there are other ones — Somerset, Franklin — up through there, so, I certainly wouldn't go along with increasing revenue, increasing Appropriations for 2 counties in the State, when three counties that I represent are not getting anything at all out of this, and furthermore, as far as the Bookmobile goes, I have serious questions how well the Book by Mail is going to work.

Now, all the schools and all the libraries and all the elderly people that are serviced by the Bookmobile in the State, are they going to be furnished by an indexed script of all the State Library so that they will know that all these books are available?

I'm under the impression that people that go into the Bookmobile see the books, they see a book they might want, and they take it out, but when you just look at a title, or even if you don't even have the opportunity to look at a title, I doubt that the Bookmobile or the State Library will be used very much.

I think this is a travesty of justice for the administration to take the Bookmobile Service out of the rural areas of this State. I'm sure that probably Portland, Bangor, and Lewiston don't need a Bookmobile. They have a nice public library. They're even going to start charging service fees for the libraries, but when you get into Stockton Springs and Prospect, and Frankfort, and Burnham, and Unity, and Freedom, and Searsmont, places you've never even heard of, they don't have a library, and personally, I would like to see the Appropriations Committee take some action, and put the entire Bookmobile Program back into the Appropriations Budget, but as far as this amendment goes, I would vote to kill the Amendment unless all rural areas of the State are put into

it.

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

Senator NAJARIAN: Mr. President, Members of the Senate, I think, the fact that the Bookmobiles are going by the way is simply a sign of the times.

Portland did have Bookmobiles, too, but we lost those because we couldn't afford to pay for them any longer. They weren't subsidized by the State.

However, in answer to whether the Books by Mail Program will work out or not, I think they're going to develop a catalogue I think that there will be more books, a greater selection of books available to the people in addition to the 200,000 books that are currently in the Bookmobile, which will be circulated among those counties now served by the Bookmobile on a more permanent basis.

As I said, there are 200,000 books for those communities that want them, can provide a grangehall or a school, whatever, but 20,000 books will be left in that community where the people can go in at their leisure and select the same book that they would have selected on the Bookmobile.

The people who are bedridden, or people who are confined to their homes, will have the catalogue. They will be able to get information by mail from the State Library. They'll be able to get books from the Bangor Library, from the Augusta State Library, and they'll be able to return those books at no cost to themselves.

As far as the reason there's no language in our Bill on the Bookmobile being made available to the communities, like Houlton and Machias, is because there wasn't time to work out language for leasing the Bookmobiles. There are a lot of legal problems, but it's standard procedure for surplus property to go first to governmental entities who desire that surplus property, so that's standard procedure, and I'm sure that your counties would have first crack at those Bookmobiles, and the sooner you get your name in as being interested, the better off you'll be.

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.

With 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 PRESIDENT: While we are on the subject of Roll Calls, the Chair would like to lay before the Senate a Rule of the Senate, which is number 24 and that says: "After a question is put to vote, no Senator shall speak on it. Every Senator may be present shall vote," and the words 'shall vote' are underlined, "Unless excused by the Senate, or excluded by interest."

In recent weeks there has been a peculiar habit creeping into the Senate, and that is to forego voting when the name has been called by the Secretary. This is a very unpleasant thing for the Secretary and it really doesn't prove anything, because anyone who votes and votes in their opinion in the wrong way can change their vote after all of the Roll has been called. The Chair would strongly urge Senators not to play these little games which really don't mean anything, and vote when your name is called.

While we are on the subject, anyone must be in his or her seat when they do vote, and not running towards it from 10 yards away. The Chair would also request that those Senators who have voted remain in their seats until the vote is announced and not leave the Chamber, immediately after having voted.

That thus ended the lesson, thank you very much.

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

Senator CARPENTER: What is the pending question?

The PRESIDENT: The pending question is Adoption of Senate Amendment "A", as if the Senator didn't know.

The pending question is Adoption of Senate Amendment "A".

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

A No vote will be opposed.

The Doorkeeper will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Brown, Carpenter, Dutremble, Hichens, McBreaity, O'Leary, Violette.

NAY—Ault, Bustin, Charette, Clark, Collins, Conley, Devoe, Emerson, Gill, Huber, Kerry, Minkowsky, Najarian, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Usher.

ABSENT—Wood.

A Roll Call was had.

7 Senators having voted in the affirmative and 24 Senators in the negative, with 1 Senator being absent, Senate Amendment "A" Failed of Adoption.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, we're, although have had a little deviation, we are rushing through on this Bill, and I am not sure that that is not the proper thing to do.

There are a lot of little goodies in this document. Just recently you had placed on your desks, in the midst of all the papers that you have got, and you might not have had a chance to look at it, but if you did you are voting for 302 new people to be added to State government, over the next 2 years, 148 in 1981-82, and 154 in 1982-83.

Now, I understand that there is some kind of a tradeoff between the Part I and the Part II with people, but at this point I am just looking at a document that says, full-time employees included in Part II Budget and it is 302 people. I just thought that we ought to know this and give this thing the attention that it certainly is due, the \$26 million and the 302 people that we are talking about.

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

Senator HUBER: Mr. President and Members of the Senate, I believe that the good Senator, Senator Sutton could divide his number of people by 2, because the same people are in the second year as are in the first year. So I do not believe that those are additive.

The major additions of people are primarily in Pineland, where I believe, that you will find an addition of 44 people which results in a net decrease at Pineland of 36 positions. These positions at Pineland will be reimbursed through \$675,000 each year additional receipts from Medicaid in Federal Funding.

A further addition, the major further addition is in the area of Maine State Prison, where in 3 categories you will find an addition of 45 positions. These are continuations of positions already approved by the Legislature in the Emergency Act for the remainder of this fiscal year, 1981.

There are various additions elsewhere in the Bill, I do have a sheet indicating these, explaining these, but the biggest addition areas are in those 2 accounts, 1 totally federally reimbursed by what will be an addition to estimate General Fund Revenues and the other a continuation of positions already established by this Legislature in Emergency Act for the remainder of this year.

The Bill, Passed to be Engrossed.

Sent down forthwith for concurrence.

On motion by Senator McBreaity of Aroostook, the Senate voted to Reconsider its action of earlier in today's session whereby the Bill,

"An Act to Establish a Hazardous Waste Response Fund and to Facilitate the Development of Needed Waste Facilities," (S.P. 661) (L.D. 1685) was Passed to be Engrossed.

Senator McBREAIRTY: Mr. President, Members of the Senate, I offer Sente Amendment "A" to LD 1685 under filing number S-332 and move its adoption.

The PRESIDENT: The Senator from Aroostook, Senator McBreaity offers Senate Amendment "A" to LD 1685 and moves its adoption.

Senate Amendment "A" (S-332) Read and Adopted.

The Bill, as amended, Passed to be Engrossed.

(See Action Later Today)

On motion by Senator Pierce of Kennebec, the Senate voted to remove from the Unassigned Table:

House Reports—from the Committee on Election Laws—Bill, "An Act Concerning Residing Prior to Voting in an Election," (H.P. 793) (L.D. 947), MAJORITY REPORT Ought Not to Pass; MINORITY REPORT Ought to Pass.

Tabled—April 15, 1981 by Senator Pierce of Kennebec.

Pending—Acceptance of Either Report.

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

Sent down for concurrence.

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

Senator CONLEY: With respect to LD 1685, could the Chair inform me as to whether or not the Bill has been sent forthwith to the other Body?

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

Senator CONLEY: Mr. President it is my understanding that the Senate has Engrossed this Bill.

The PRESIDENT: This Bill has been Passed to be Engrossed.

Senator CONLEY: Mr. President, I would now move and would hope that someone would Table this, but I would now move that the Senate Reconsider its action whereby this Bill has been Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Conley moves that the Senate Reconsider its action of earlier in today's session whereby the Bill, "An Act to Establish a Hazardous Waste Response Fund and to Facilitate the Development of Needed Waste Facilities" (S.P. 661) (L.D. 1685) was Passed to be Engrossed.

On motion by Senator Pray of Penobscot, Tabled until later in today's session, pending the motion by the Senator from Cumberland, Senator Conley.

The President requested the Sergeant-at-Arms to escort the Majority Floor Leader the Senator from Knox, Senator Collins to the rostrum to assume the duties of President Pro-Tem.

The Sergeant-at-Arms escorted the Senator from Knox, Senator Collins to the rostrum, where he served as President Pro-Tem.

The President then retired from the Senate Chamber.

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

Orders

Expressions of Legislative Sentiment recognizing:

Kim Loomis, 11-year old young lady from Yarmouth, who won the Class 3 gymnastics

State Championship, on May 17, 1981. (S.P. 670) presented by Senator CLARK of Cumberland (Cosponsor: Representative Jackson of Yarmouth).

Cynthia A. May, of Yarmouth, winner of a National Merit \$1,000 scholarship. (S.P. 671) presented by Senator CLARK of Cumberland (Cosponsor: Representative Jackson of Yarmouth).

Which were Read and Passed.
Sent down for concurrence.

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:

Henry C. Wurts, son of Mr. Davis P. Wurts, of South Hiram, Valedictorian of Sacopee Valley School District, Class of 1981. (H.P. 1614)

Oxford Hills High School "Vikings" Boys' Baseball Team, Kennebec Valley Athletic Conference Class A Champions, for 1981. (H.P. 1615)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

ORDERED, the Senate concurring, that Bill, "An Act to Revise the Salaries of Certain County Officers," House Paper 1508, Legislative Document 1622, be recalled from the Governor's desk to the House. (H.P. 1616)

Comes from the House, Read and Passed.

Which was Read.

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

Orders of the Day

The President Pro-Tem laid before the Senate: Bill, "An Act to Amend the Workers' Compensation Law." (H.P. 685)

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

Pending—Passage to be Engrossed.

On motion by Senator Sutton of Oxford, the Senate voted to Reconsider its action whereby it Adopted House Amendment "A".

Senator SUTTON: Mr. President, I now present Senate Amendment "A" to House Amendment "A" under filing number S-328 and move its adoption.

The PRESIDENT Pro-Tem: The Senator from Oxford, Senator Sutton offers Senate Amendment "A" to House Amendment "A" and moves its adoption.

Senate Amendment "A" to House Amendment "A" (S-328) Read.

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

Senator CONLEY: Mr. President, I question the germaneness of the amendment to the Bill.

The PRESIDENT Pro-Tem: The Chair will defer ruling on this until later in today's session, so that the matter may be more carefully studied.

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

The President Pro-Tem laid before the Senate:

Bill, "An Act to Continue the Maine Turnpike Authority." (S.P. 650) (L.D. 1676)

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

Pending—Passage to be Engrossed.

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

Senator EMERSON: Mr. President, earlier today I stated that if a toll system remained on

the Turnpike, there will be federal pay back. I stated that it would be in the amount of \$3 million in a barrier system and \$8 million with a closed system.

I would like to read this statement which will further clarify it. The State of Maine expanded federal funds to provide connections to the Maine Turnpike at several locations. These Federal Highway Funds, were expended with the knowledge that once the Turnpike indebtedness was paid off the Maine Turnpike would revert to a free status. Recognizing that that desirability is to maintain a toll collection system on the Turnpike the State of Maine was successful in obtaining Federal Legislation to allow a continuation of tolls after the Turnpike indebtedness was paid off, subject to certain conditions.

These conditions were stated as Section 145 of the Federal and Public Law 95-599, dated November 6, 1970. Which indicated that upon the satisfaction of certain conditions by the State of Maine or the Maine Turnpike Authority, the Turnpike shall be free of all restrictions, with respect to imposing on collecting tolls.

Requirements to be met included: one, repayment to the Treasury of the United States the sum of \$3,055,000 for the construction of interchanges or connections with the Turnpike at West Gardiner and York; two, removal of the existing toll plazas and collection facilities within 3 years after the repayment of the existing bonds outstanding, at Exit 6-A, know as intersection 1, I-295, Maine Turnpike.

Now these two things were regarding the barrier system. Assuming that the Maine Turnpike was to remain a closed tolls collection facility the following pay back provision would be required. York, \$281,471, West Gardiner \$2,771,667, and Scarborough/South Portland \$5,700,838. This would total an amount of \$8,753,833. This amount would have to be paid back to the federal government, if a closed system was continued.

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

Senator USHER: Thank you, Mr. President. Mr. President Members of the Senate, I would like to direct a question to our good Chairman from Penobscot, Senator Emerson. Is it not true that one, presently in the federal government they are discussing the possibility of no pay back from either way? Also, if either method of pay back is accepted whether it be barrier or closed system this is put in the form of credit and actually we get it right back?

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

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: I believe that that is a matter of speculation, I am not sure that that is a law.

The PRESIDENT Pro-Tem: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President I request that when the vote is taken it be taken by the Yeas and Nays, and I hope that you all will defeat the pending motion.

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

Senator O'LEARY: Mr. President, I know that this Bill has been lobbied heavily today, by the good Senator from Androscoggin, Senator Minkowsky, but I must remind this Body that in 1977 the Legislature initiated a Study of a barrier system as such. This is 4 years later and there is nothing done. If we do not Enact this piece of Legislation you can believe that we will not have any Study by the time the bonds are paid off in 1983.

I listened intently to the good Senator from

Penobscot, Senator Emerson, on the pay back, and the Senator from Cumberland is correct, there is a discussion in the administration in Washington, at the present time, about the pay back. I listened intently in 1977 and the cost of whether we had a barrier system at that time, to pay back, or a toll system, it was still \$3 million. Now these figures are coming down, I should imagine, from the Department of Transportation at the whims of the administration, because I know that the administration is opposed to toll, they want to go to a barrier system.

Under a barrier system, we will have a system whereby we will barely have enough money to maintain this road. The political clout that can be used to certain people in our Legislature becomes very evident. The barrier system would perhaps be at the expense of repairing your own roads in your own districts.

We have built into this Bill a provision that allows for access roads, and make it a priority wherever there is economic development. When you lay it right on the line the people that are opposing this Bill here today want no barrier system, either. They want free access to it, at the expense of your highways in your districts.

So I ask you to vote in favor of this Bill.

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

Senator MINKOWSKY: Mr. President, and Members of the Senate, a point of clarification for the good Senator from Oxford County, Senator O'Leary, that number one, the Study that is in the existing law, would not go into effect until the bonds were paid off. So it would be ludicrous actually to ask for a Study at the present time.

Number two, the toll facilities under existing law, states very clearly, prior to the conversion of the Maine Turnpike to a barrier toll system, the Commissioner of Transportation shall evaluate alternative barrier toll systems." Evaluate is the word that I am stressing. "Conduct public hearings regarding alternate system in appropriate geographic locations," and present as a recommendation, "and present a recommended barrier toll system and toll schedule to the Legislature while it is in Session. This recommendation, or recommended barrier toll system and toll schedule shall include a system of toll barriers designed in such a manner that motor vehicles travelling the entire length of the Turnpike will encounter no more than 3 toll barriers. The toll barriers shall be approved by the Legislature, at least one year prior to the conversion of the turnpike to the toll barrier system. The Commissioner of Transportation shall present the recommendation to the Legislature during the first week of January for the Legislature's Approval. Rejection, approval, rejection, or change during the Legislative Session." Now, there's some key words I want you to pay attention to.

In the event that the change during the Legislative, "in the event that the Legislature does not make a decision within that legislative Session, the recommendation of the Commissioner of Transportation for the location of the toll barrier system shall be authorized."

All the safeguards have been built into the existing law.

Let me just recap one single point, if nothing else this afternoon. We had the option, back in 1977, to fulfill the mandate that when the bonds were paid off, this road would be toll free, and we'd have no hassle beyond that particular point.

I took it upon myself, with other people at the time, to make it very clear that I did not want to see this go into the Gasoline Tax uses of the State of Maine. I made it perfectly clear during debate that the users should continue to pay for it. The compromise is very simply, when I-295 was built around us, and a continuation of I-95 from Augusta northward, that Lewiston/Au-

burn, and other people on the corridor, were entitled to a toll free system.

In essence, what we've done here is said very clearly that we will keep tolls at a reduced rate, since the bonds will be paid off, to actually address the upkeep and maintenance, and that the users, in the toll free zones, after they are designed, would pay their fair share. I think that is the most equitable, fairest approach that anybody, no matter which county they come from in the State of Maine, could ever have presented to them, because over the years, let's put it in perspective, we never have really got our fair-share of Highway Reconstruction Funds. Today we are asking simply equity and fair play in addressing this critical issue, because of this commitment back in 1977, that we do have a large air park in an area in the southern part of Lewiston totally industrially zoned with potential prospects, which, number one, addresses what we've been looking for for a long time, and has the utilization, of the skills and talents of the people who are graduating from our VTI's to stay in the State of Maine and have a liveable wage.

Now, is that not more important to any of you, or all of you, compared to the fiasco that's been going on relative to this issue?

I count upon you this afternoon, to use your good judgment in equity and fair play, in basically voting against the Engrossment of this particular L. D.

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

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, I didn't hear all the figures on the financial condition of the Turnpike. I wonder if the Chairman of the Committee or somebody on the Committee could tell me how much of a Gas Tax would be needed to maintain the same revenue that we now collect if we went to a barrier system? How much of an increase in registration fees might be needed to collect the same amount of revenue, as we are collecting at the present time, versus the barrier system?

The PRESIDENT Pro-Tem: The Senator from Waldo, Senator Shute, has posed a question to the Chair.

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: I guess it'll be hard to answer that. In the first place, we're not sure that you couldn't collect nearly as much money from the barrier system as you could the closed system, but if you talked about total revenues that the closed system brings in, total revenues, that would be something in excess of 2¢.

The PRESIDENT Pro-Tem: The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. President, Men and Women of the Senate, I think over and over again we've heard the major problem with this whole Bill.

They need a study to find out what the barrier system is going to do. We know what the current system is doing. We know that it's bringing in all kinds of money into the State of Maine. We know it's providing enough to maintain that highway.

The best highway in the Northeast, the Maine Turnpike, and yesterday somebody said it costs \$17,000 per lane mile to take care of. Well, I got information this morning that it's \$1700 per land mile which is even less than the DOT takes to maintain a lane mile. There's a major difference there.

The thing that I want to stress is that people from out-of-state may pay a major part of the Maine Turnpike, and the upkeep of the Maine Turnpike, and under our Bill they will be taking care of the access roads leading to the Maine Turnpike, and under our Bill, any communities that have high priorities for economic development, will have access roads.

We have a good working mechanism. Some-

thing that has worked for us for years.

Now, back in 1977, I imagine things were said. I wasn't here, but the conditions in 1977 are not the same as they are today in 1981. The State is in financial distress today. The Department of Transportation is under financial distress today, and we are going to take the Maine Turnpike and hand it over to the Department of Transportation, a Department that in the 3 years I've been here, we've been trying to solve the problems of their finances. I just can't see it. I would hope that we would leave the Maine Turnpike the way it is and let a good working mechanism remain, continue to be good working mechanism, and let's continue getting the income, a lot of the income, from people from out-of-state.

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

Senator MINKOWSKY: Mr. President, Members of the Senate, first let me state that the figures that have been projected, I projected yesterday, that the upkeep and maintenance cost of the Maine Turnpike, based on a lane mile, was \$17,000, and the same lane mile maintained by the Department of Transportation for I-95 is roughly about \$2,200. I may have been off by a few dollars, because today I find out the maintenance of the Turnpike, upkeep and maintenance is \$15,244 versus \$1,715 for I-95 or I-295.

Let's not forget the one important factor, had we not advanced in 1977 to direct this particular problem today. You'll be pumping in the Maine Turnpike into the interstate system in the State of Maine and having no tolls on there whatsoever, none whatsoever. At least, you have a mechanism in front of you if the study proves that it will produce revenues to the expectations of the proponents, that we're having something instead of nothing. That was the entire purpose behind this particular Bill then, to preserve the upkeep and maintenance to take care of the jobs of the concerned people on the Turnpike, which is one of the main things I addressed back in 1977. Yet, in essence we seem to be getting a kick in the pants for trying to do the right thing at that particular segment of time.

I could assure you if I had anticipated the problems I see today, I would have fought much more diligently with Governor Longley, at that time, to make that a toll free road and not break faith with the people of the State of Maine, which was his major concern at the time. I can assure you, also, that we would fight just as diligently as a toll free road to get the egress and ingress roads at the expense of the users of all the interstate systems in the State of Maine. That's what I'm speaking about, equity and fair play. We didn't decide to take that particular approach; we took the more logical, compassionate, realistic approach. Let the users pay for it, and let it not be pumped into the overall costs of our secondary roads and our primary roads in the State of Maine.

I ask you, this afternoon, to vote against, again, the Engrossment of this particular Bill.

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

Senator CHARETTE: Thank you, Mr. President. Women and Men of the Senate, in the last 2 days I've heard, we've heard, you know, a lot of debates on this issue. Many, many questions that are unanswered, and I'd like to point to some comparisons.

It was stated yesterday that the bonds won't get retired until '83, and in another breath someone said we could retire the bonds tomorrow, which tells me that somehow there is some money in a fund someplace or there is an accumulation of money. Then we hear there isn't any money.

There again, in '77, the survey was passed here in this Legislature and we're still waiting

for this survey. It was pointed out that under the closed system it now brings \$15 million dollars, and with a barrier system, it could bring \$9 million, yet, no survey has been done.

So, these are just figures, from what I can see, that are picked in the air, and used for a purpose of debate.

I still would like to point out that I think this whole issue is a little premature. We do have until '83 before the bonds are planned to retire, so it is premature. It seems to me that there is time to give a study on the barrier system and be more accurate with our figures. There again, I fully endorse all the comments Senator Minkowsky, has reiterated again today, and those of Senator Trafton yesterday. I certainly, as I mentioned yesterday, I, myself, as I read my campaign, I spoke about toll free turnpike. It's something that the people in our area have talked for years and years.

I think, perhaps, we could go with some kind of fees and so forth. We appreciate the fact that the Turnpike is a well kept road. It's the best traveled road in the State, however, I still can commend the roads from Augusta to Bangor. I've traveled them many, many times, and these are all our tax dollars that are paying for those roads, all of the people of Maine.

So, I still say this Bill is premature, and we ought to give some serious thoughts before we make a decision and vote on this.

The PRESIDENT Pro-Tem: 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 Senator 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 Washington, Senator Brown.

Senator BROWN: Mr. President, I wish permission to pair my vote with the good Senator Wood, if he were here he would vote Yes and I would vote Nay.

The PRESIDENT Pro-Tem: The Senator from Washington, Senator Brown, Requests Leave of the Senate to pair his vote with the gentleman from York, Senator Wood. If he were here, he would be voting Yea and the Senator from Washington, Senator Brown would be voting Nay.

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

It is a vote.

The pending question before the Senate is Passage to be Engrossed.

A Yes vote will be in favor of Passage to be Engrossed.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAY — Ault, Carpenter, Charette, Clark, Conley, Emerson, Huber, McBreairty, Minkowsky, Perkins, Pierce, Sutton, Teague, Trafton, The President, J. Sewall.

A Roll Call was had.

16 Senators having voted in the affirmative and 15 Senators in the negative, with 2 Senators having paired their votes, with No Senators being absent, L. D. 1676 was Passed to be Engrossed.

Sent down for concurrence.

The President Pro-Tem laid before the Senate:

Bill, "An Act to Recodify and Amend the Maine Guarantee Authority Laws." (H. P. 1563) (L. D. 1671)

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

Pending — Enactment.

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

On motion by Senator Ault of Kennebec, the Senate voted to Reconsider its action whereby L. D. 1671 was Passed to be Engrossed.

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

Senator AULT: I now present Senate Amendment "A" under filing number S-331 and would speak briefly.

The PRESIDENT Pro-Tem: The Senator from Kennebec, Senator Ault, offers Senate Amendment "A" to L. D. 1671 and moves its adoption.

Senate Amendment "A" (S-331) Read.

The PRESIDENT Pro-Tem: The Senator has the floor.

Senator AULT: Mr. President and Members of the Senate, L. D. 1671 is the recodification of the Maine Guarantee Authority Laws, and was the result of a great deal of work in the State Government Committee where we included a number of proposed bills in one.

One of the pieces of legislation that was included was H. P. 756, L. D. 893, which changed the amount of money the Maine Guarantee Authority could guarantee for one project from \$7 million back down to \$2.5 million. The Governor, for his own reasons, vetoed this piece of legislation. The House did sustain his veto. My Amendment just brings L. D. 1671 into compliance with the Governor's veto so it is acceptable to his office.

Senate Amendment "A" Adopted.

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

Senator CARPENTER: Mr. President, I'd pose a question through the Chair to the good Senator from Kennebec, Senator Ault. It was just brought to my attention. I think that he talked to the same man as I did regarding a project, an industrial office space project that is being considered up in my area. I understand that the way this Bill stands in its present form, small office space projects would not be allowed under the Maine Guarantee Authority. I wish somebody would clarify exactly what we're doing in that regard with this Bill as it now stands.

The PRESIDENT Pro-Tem: The Senator from Aroostook, Senator Carpenter, has posed a question through the Chair.

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: Mr. President and Members of the Senate, there was a proposed piece of legislation that came before our Committee that would provide that the Maine Guarantee Authority would guarantee loans for office space, up until this time, they have not been allowed to do that.

The Committee was not unanimous in agreeing that they should be given that authority. A compromise was reached, which provided that they could guarantee programs for office space greater than 30,000 square feet, and that the space provided, half of the employees in that space would be new jobs in the State of Maine.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I'm not quite sure what kind of a compromise we're talking about. What you're doing, I think, is what my people are afraid of, is you're guaranteeing only large projects and probably only a large out-of-state outfit moving in. If you have a small, in my particular case, it happens to be a doctor's office that they're considering, would not be eligible for this. Why is that so bad? Why are we only apparently catering to a big, above 30,000 square foot expansion and it

has to create all these new jobs, or they can't qualify?

I thought it was the Maine Guarantee Authority. Why are we making it less accessible to Maine people and Maine businesses by this version of the Bill, and making it more accessible to out-of-state firms or expansions?

The PRESIDENT Pro-Tem: The Senator from Aroostook has posed a question.

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: I wouldn't say it's making it, Mr. President and Members of the Senate, I wouldn't say it's making it less accessible, because it's a completely new program as far as the Maine Guarantee Authority is concerned. There was a strong possibility that nothing could be arrived at in the Committee. So we did compromise on this.

We believed that the Maine Guarantee Authority is there to provide new jobs for the State of Maine. There was some feeling that we didn't want a bank to be able to build a brand new office building across the street from their existing facility just to have a new building, and use the taxpayers' guarantee to get a lower interest rate.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, it seems to me that banks will be one of the few that could qualify for this. The Depositors' Trust could certainly afford to put up a larger than 30,000 square foot office space, and provide all these new jobs, whereas a smaller business would not be. I still don't understand the logic of it, but I guess apparently the Committee seems to be quite solid — (inaudible).

The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

The President Pro-Tem laid before the Senate:

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

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

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

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

The President Pro-Tem laid before the Senate:

HOUSE REPORT — from the Committee on Labor — Bill, "An Act Concerning Workers' Compensation Cost Containment." (H. P. 502) (L. D. 553) — Leave to Withdraw.

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

Pending — Acceptance of Report.

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

Senator PRAY: I move the Bill be Substituted for the Committee Report.

The PRESIDENT Pro-Tem: The Senator from Penobscot, Senator Pray, moves that the Bill be Substituted for the Report.

The Chair recognizes the Senator from Lincoln, Senator Sewall.

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

The PRESIDENT Pro-Tem: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Pray, that the Bill be Substituted for the Report, please rise in their places to be counted.

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

The Chair recognizes the Senator from Lin-

coln, Senator Sewall.

Senator SEWALL: I request the Yeas and Nays.

The PRESIDENT Pro-Tem: 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.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I request Leave of the Senate to Withdraw my motion.

The PRESIDENT Pro-Tem: The Senator from Penobscot, Senator Pray, requests Leave of the Senate to Withdraw his motion to Substitute the Bill for the Report.

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

It is a vote.

Which Report was Accepted, in non-concurrence.

Sent down for concurrence.

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

Committee Report House

Ought to Pass — As Amended

The Committee on Education on, Bill, "An Act to Make Corrections and Clarifications in the Education Laws." (Emergency) (H. P. 220) (L. D. 298)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-509).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" and House Amendment "A" (H-530)

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

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

Senator CONLEY: Mr. President, I would pose a question through the Chair to the good Senator from Penobscot, Senator Trotzky, the Chairman of the Joint Standing Committee on Education, and inquire as to whether or not this House Amendment is an error or an inconsistency.

The PRESIDENT Pro-Tem: The Senator from Cumberland, Senator Conley, has posed a question through the Chair to any Senator who cares to answer.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate, I'm not sure whether it's an error or an inconsistency. I can just tell you what the Amendment does. Essentially it's supposed to clarify the situation where the school board, a member of a school board, his residency, he should be a resident of the municipality where he's elected.

There have been situations where a person has two, works out of town, and therefore lives in two places. This refers to the place where the individual votes. As the place where the individual votes in his residency, that's what the Amendment does.

House Amendment "A" Adopted in concurrence. Under Suspension of the Rules, the Bill, as amended, Read a Second Time and Passed to be Engrossed, in concurrence.

Orders of the Day

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

Senator CONLEY: Mr. President, with respect to L. D. 1685, which was Tabled until later in today's session for Reconsideration whereby the Bill was Passed to be Engrossed, I request Leave of the Senate to Withdraw my motion for Reconsideration.

The PRESIDENT Pro-Tem: The Chair would advise the Senator that this matter was Tabled until later in today's session and that the procedure would require a removal from the Table first, before presenting the motion.

On motion by Senator Pray of Penobscot, the Senate voted to remove from the Table: Bill, "An Act to Establish a Hazardous Waste Response Fund and to Facilitate the Development of Needed Waste Facilities," (S. P. 661) (L. D. 1685).

The PRESIDENT Pro-Tem: Senator Conley of Cumberland now requests Leave of the Senate to Withdraw his motion to Reconsider Engrossment of L. D. 1685.

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

It is a vote.

Sent down for concurrence.

On motion by Senator O'Leary of Oxford, there being no objections all items previously acted upon, with the exception of those items previously held, were sent forthwith.

The PRESIDENT Pro-Tem: The Chair will announce the Ruling on the Bill, "An Act to Amend the Workers' Compensation Law," (H. P. 685) (L. D. 799) Tabled earlier in today's session, by the Senator from Cumberland, Senator Conley, pending the Adoption of Senate Amendment "A" to House Amendment "A".

On motion by Senator Sewall of Lincoln, Retabled for 1 Legislative Day.

(Senate at Ease)

The Senate called to order by the President pro tem.

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 Make Corrections of Errors and Inconsistencies in the Laws of Maine," (Emergency) (H. P. 649) (L. D. 1677)

In the Senate, June 2, 1981, Passed to be Engrossed as amended by Senate Amendment "A" (S-314) as amended by Senate Amendments "A" (S-315), "B" (S-317), "C" (S-318), "D" (S-319), "E" (S-320), "F" (S-321), and "G" (S-322), Thereto.

Comes from the House, Passed to be Engrossed as amended by Senate Amendment "A" as amended by Senate Amendments "A", "B", "C", "D", "E", "F" and "G", as amended by House Amendments "B" (H-525), "C" (H-526), "D" (H-527), "E" (H-529), "F" (H-532) and "A" (H-522), Thereto, in non-concurrence.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, I move the Senate Recede and Concur with the House.

The PRESIDENT Pro-Tem: The Senator from Penobscot, Senator Devoe, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The motion prevailed.

Non-concurrent Matter

Bill, "An Act to Reform the Regulation of Carriers of Passengers and Freight," (H. P. 1576) (L. D. 1678)

In the Senate, June 2, 1981, Passed to be Engrossed as amended by Senate Amendment "A" (S-323), in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendments "A" (H-534) and "B" (H-535), and Senate Amendment "A", in non-concurrence.

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

Senator TROTZKY: Mr. President, I move the Senate Recede and Concur with the House.

The PRESIDENT Pro-Tem: The Senator from Penobscot, Senator Trotzky, moves that the Senate Recede and Concur with the House.

The Chair recognizes that Senator.

Senator TROTZKY: Mr. President and Members of the Senate, this is an extremely important Bill. I just want to mention it here, because we see a lot of bills going through here. Only after the Session do we start reading that large book of bills and we realize some of the bills that we passed.

This deregulates trucking. In other words, the determination of routes and rates, which is made by the PUC, that aspect of trucking is being deregulated. The safety aspects are being transferred to the Department of Public Safety.

Essentially, what we're doing here is we're allowing free entry into the market place of new trucking firms, and promoting competition. Initially, there's a feeling that rates might go up. Service may decline in some remote areas of the State. Ultimately the hope is that deregulation will bring better service at a lower cost to the entire State.

This is a significant change in the regulation of the trucking industry in the State of Maine.

The PRESIDENT Pro-Tem: The Senator from Penobscot, Senator Trotzky, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The motion prevailed.

The President Pro-Tem requested the Sergeant-at-Arms to escort the Senator from Penobscot, Senator Sewall, to the rostrum where he may resume his duties as President.

The Sergeant-at-Arms escorted the Senator from Penobscot, Senator Sewall, to the rostrum where he assumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Knox, Senator Collins, to his seat on the Floor of the Senate.

The PRESIDENT: The Chair will thank the Majority Floor Leader for his usual stalwart service.

(Senate at Ease)

The Senate called to order by the President.

(Off Record Remarks)

Non-concurrent Matter

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

In the Senate, May 27, 1981, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-533), in non-concurrence.

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

Senator TROTZKY: I move the Senate Adhere.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, moves that the Senate Adhere.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I move that the Senate Recede and Concur and would speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator COLLINS: Mr. President, this is a matter that we debated previously. The Senate rejected the idea that has been placed on this Bill in the other Body. Even with the grandfathering provision, it seems to me that there is value in ultimately restructuring the Committee into six year terms, spaced evenly. It is because of this that I think that we ought to go along with that Amendment.

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

Senator TROTZKY: Mr. President and Members of the Senate, the position that the Senate took before was that the Commission would be restructured to six year terms. That the terms would come up, every two years, and a new commissioner would come up for reappointment. The Bill specifically would cut 12 months off Commissioner Smith's term, 10 months off Commissioner Gelder's term, and lengthen Commissioner Carrigan's term by 4 months. I would go into affect is that this July 1, the Governor could appoint a new commissioner.

The Committee felt that this was the simplest way to go to get the terms rotating on an even basis, every 2 years.

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 Knox, Senator Collins, that the Senate Recede and Concur with the House, please rise in their places to be counted.

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

15 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion to Recede and Concur does prevail.

Committee Report House

Ought to Pass in New Draft

The Committee on Public Utilities on, Bill, "An Act to Create the Office of Energy and the Public Advocate," (H. P. 993) (L. D. 1181)

Reported that the same Ought to Pass in New Draft under New Title, "An Act to Create the Public Advocate to Represent the Interests of Utility Customers," (H. P. 1578) (L. D. 1673)

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

Which Report was Read and Accepted, in concurrence. The Bill, in New Draft, Read Once, and Assigned for Second Reading later in today's session.

Divided Report

The Majority of the Committee on Energy and Natural Resources on, Bill, "An Act to Amend the Maine Christmas Tree Law to Include Registration for Transportation," (H. P. 3) (L. D. 3)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-55).

Signed:

Representatives:

HALL of Sangerville
MICHAEL of Auburn
JACQUES of Waterville
MITCHELL of Freeport
AUSTIN of Bingham
HUBER of Falmouth
MICHAUD of East Millinocket

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "B" (H-56).

Signed:

Senators:

McBREAIRTY of Aroostook
REDMOND of Somerset
O'LEARY of Oxford

Representatives:

DEXTER of Kingfield
KIESMAN of Fryeburg

Comes from the House, Bill and Papers Indefinitely Postponed.

Which Reports were Read.

The Minority Ought to Pass, as amended Report B of the Committee Accepted, in non-concurrence. The Bill Read Once. Committee Amendment "B" Read.

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

Senator McBREAIRTY: Mr. President, I would like to Reconsider that action so that we

may Recede and Concur.

Committee Amendment "B" Adopted, in non-concurrence.

On motion by Senator Conley of Cumberland, 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:

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

Bill, "An Act Concerning the Suspension of a Driver's 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)

In the House, June 2, 1981, Passed to be Enacted.

In the Senate, June 3, 1981, Bill and Papers Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body Having Adhered.

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

Senator DEVOE: Mr. President, I move that the Senate Adhere.

The PRESIDENT: The Senator from Penobscot, Senator Devoe moves that the Senate Adhere.

Is this the pleasure of the Senate?
It is a vote.

On motion by Senator Pierce of Kennebec, there being no objections all items previously acted upon, with the exception of those items previously held, were sent forthwith.

Orders of the Day

The President laid before the Senate:

An Order, relative to L. D. 1622 being recalled from the Governor's office (H. P. 1616) tabled until later in today's session on motion by Senator Pierce of Kennebec, pending Passage.

Which was Passed, in concurrence.

The President laid before the Senate:

Bill "An Act Establishing the Bonding and Excess Insurance Requirements for Self-insuring Workers' Compensation Employers." (H. P. 834) (L. D. 1001) Tabled earlier in today's session, by the Senator from Lincoln, Senator Sewall, pending the motion by the Senator from Lincoln, Senator Sewall.

On motion by Senator Sewall of Lincoln, Retabled for 1 Legislative Day.

(Senate at Ease)

The Senate called to order by the President.

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

Senator DEVOE: Mr. President, Under Suspension of the Rules, is the Senate in possession of L. D. 1677, the Errors Bill?

The PRESIDENT: The Chair would answer in the affirmative, the Bill, "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine." (H. P. 649) (L. D. 1677) the Bill having been held at the request of a Senator.

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

On motion by Senator Devoe of Penobscot, the Senate voted to Reconsider its action whereby L. D. 1677 was Passed to be Engrossed.

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

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

Senator DEVOE: Mr. President, I present Senate Amendment "H" to Senate Amendment "A" under filing number S-334 and would move

its adoption.

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

Senate Amendment "H" to Senate Amendment "A" (S-334) Read and Adopted. Senate Amendment "A", as amended, Adopted in non-concurrence.

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:

Second Reader

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

House

Bill, "An Act to Create the Public Advocate to Represent the Interests of Utility Customers." (Emergency) (H. P. 1578) (L. D. 1673) Which was Read a Second Time.

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

Senator COLLINS: Mr. President, I request a Roll Call on Engrossment. I hope that the Senate will vote yes.

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

Senator CONLEY: Mr. President, so there is no confusion on this matter, I would urge the Senate to vote yes, as well.

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

Senator PIERCE: Mr. President and Members of the Senate, so that there is even less confusion, I wonder if the Chairman of the Committee might outline for us exactly what this particular piece of legislation does?

The PRESIDENT: The Senator from Kennebec, Senator Pierce, has posed a question through the Chair to the good Senator from Penobscot, Senator Devoe.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Honorable Members of the Senate, what this Bill does essentially is creates in the Office of the Governor, a Public Advocate with a staff. The cost would be \$300,000. The Public Advocate would intervene in matters, cases before the Public Utilities Commission, and intervene on behalf of the public interest, or the consumer.

The Committee feels that this Bill is extremely important in view of the fact that we have before us in November an initiated referendum to change the Commission to elected commissioners. The Committee unanimously feels that we should have appointed commissioners, but the public right now is disturbed, or appears to be disturbed from 40,000 signatures, about the rate increases that they received. We feel that we have an obligation to do something. Consequently, we feel to create an office responsible to the Governor, the Public Advocate could be removed at the wishes of the Governor, would be a way of telling the consumer, in Maine, that there is one specific group that will always be advocating on his behalf for decent rates before the Public Utilities Commission.

The Bill, also, does something else which I think is extremely important. Right now in proceedings before the Public Utilities Commission, the commissioners assign part of their staff to advocate on the part of the public in each different case. Essentially, what this Bill does is frees up that staff, which would advocate on the behalf of the public, to strengthen and beef up the Public Utilities Commission.

We feel that this is a responsible way to respond to the public outcry, and to defend the rights of the consumer.

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

Senator COLLINS: Mr. President, I would

like to add just a word to the good Senator's very capable explanation. One item is that the funding for this is not a General Fund item. It comes from assessments on the utilities that are having the rate cases, which means that ultimately it comes from rate payers. The amount that comes out of rate payers is really very miniscule in relation to the amount of public good that can be obtained in this process.

I come to my support of this measure from a different perspective than does the Senator from Penobscot. I come as a practitioner who has been before the Commission to promote utility rate cases, and to try to hold down utility rate cases, in my earlier years. I was always bothered by the fact that the Commission itself had an advocacy function within it at the same time that it was a decision-maker. The same person being judge and prosecutor, in other words, the same issue that we dealt with in the Administrative Procedures Act, in another way.

I would point out to the Senate that we have seen in the last ten years an advocacy function, even without a particular office. Both Governor Curtis and Governor Longley, in the biggest and most exciting rate cases, came out with positions and hired people to intervene and represent the public interest as they saw it.

The Attorney General has that authority in certain cases. Attorney General Cohen appointed two assistant Attorneys General for that specific purpose. The funding is running out on those people. So, again, it's a question of where the function should be? How should it be funded? The function exists. It's a matter of fact. It seems to me, as a student of the Commission, that it would be better if that function were outside the Commission rather than inside it, and if it were recognized by the Legislature and funded in this way. Thank you, Mr. President.

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

Senator TROTZKY: Mr. President, just briefly, the Public Utilities Commission regulates the flow of three quarters of a billion dollars. What we're doing here, just to clarify something, is that we're taking \$300,000, which the General Fund contributes to the Public Utilities Commission. We're taking that \$300,000 and using it to directly pay for the Public Advocate. We're increasing the assessment on the utilities which eventually is paid by the rate payers, by \$300,000.

Essentially, the ratepayers will be paying for this. It's three quarters of a billion dollars, that cash flow is being regulated by the Public Utilities Commission, \$300,000 is very little in relationship to that.

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 Engrossment of L. D. 1673.

A Yes vote will be in favor of the Engrossment of L. D. 1673.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Dutremble, Emerson, Huber, Kerry, Minkowsky, Najarian, O'Leary, Perkins, Pray, Sewall, C.; Sutton, Teague, Trafton, Trotzky, Usher, Violette.

NAYS — Devoe, Gill, Hichens, McBreaity, Pierce, Redmond.

ABSENT — Ault, Shute, Wood.

A Roll Call was had.

23 Senators having voted in the affirmative and 6 Senators in the negative, with 3 Senators being absent, L. D. 1673 was Passed to be Engrossed, in concurrence.

Sent forthwith to the Engrossing Department.

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

**Paper from the House
Joint Order**

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation report out a bill relating to funding the Highway Allocation Act. (H. P. 1619)

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

An Expression of Legislative Sentiment recognizing:

The Hon. Frank J. Murray, member of the 105th and 106th Legislatures, on his ordination as a Roman Catholic priest at St. John's Church in Bangor on June 6, 1981; and his proud parents, Mr. and Mrs. Robert E. Murray, whose dedication permitted their son to pursue his religious studies at the Catholic University of America. (H. P. 1617)

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

**Committee Report
House
Ought to Pass**

The Committee on State Government on, Bill, "An Act to Authorize a Self-liquidating Bond Issue for Kennebec County for the Construction of a New Detention Facility." (H. P. 1216) (L. D. 1445)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-540).

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

(Senate at Ease)

The Senate called to order by the President.

The Adjournment Order having been returned from the House, Read and Passed, in concurrence, on motion by Senator Pierce of Kennebec, Adjourned until Tuesday, June 9, 1981 at 10 o'clock in the morning.