

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

MAY 4, 1981 to JUNE 19, 1981

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

June 9, 1981

Senate called to order by the President.

Prayer by the Reverend Herbert Reid of the Church of World Brotherhood in Fairfield.

Reverend REID: We ask Your blessing, most heavenly Father, upon this historic Chamber this morning, and all who serve here and throughout our great nation this day. May the laws that have been enacted be like our beautiful gardens, came forth out of our labor, nurtured by the warm sun, and whose thirst was quenched by the gentle rain. May the harvest be pleasing and fulfill every expectation, that all of the dedication that has been theirs. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

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

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

In the Senate, May 29, 1981, Passed to be Engrossed as amended by Senate Amendment "A" (S-311), in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by Senate Amendment "A" and House Amendment "A" (H-543), in non-concurrence.

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

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

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

Is this the pleasure of the Senate?

The motion prevailed.

Non-concurrent Matter

Bill, "An Act to Revise the Salaries of Certain County Officers." (H. P. 1508) (L. D. 1622) (Recalled from the Governor pursuant to Joint Order (H. P. 1616).

Comes from the House, Passed to be Engrossed as amended by Senate Amendment "A" (S-277) and House Amendment "A" (H-536), in non-concurrence.

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

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

The PRESIDENT: The Senator from Hancock, Senator Perkins, 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 Place a Maximum Limit on the Inflation Adjustment under the Workers' Compensation Act." (S. P. 281) (L. D. 789)

In the Senate, April 1, 1981, Passed to be Engrossed.

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

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

Non-concurrent Matter

Bill, "An Act to Revise Workers' Compensation Disability Payments." (S. P. 358) (L. D. 1033)

In the Senate, May 26, 1981, Passed to be Engrossed as amended by Senate Amendment "A" (S-287).

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

On motion by Senator Sewall of Lincoln, the

Senate voted to Recede from its action whereby LD 1033 was Passed to be Engrossed.

On motion by Senator Sewall of Lincoln, the Senate voted to Recede from its action whereby Senate Amendment "A" was Adopted.

On motion by Senator Sewall of Lincoln, Senate Amendment "A" was Indefinitely Postponed.

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

Senator SEWALL: Mr. President, I present Senate Amendment "B" under filing number S-337 and move its adoption.

The PRESIDENT: The Senator from Lincoln, Senator Sewall, offers Senate Amendment "B" (S-337) to LD 1033 and moves its adoption.

Senate Amendment "B" (S-337) Read.

The PRESIDENT: The Senator has the floor.

Senator SEWALL: Thank you, Mr. President. To explain to you the Amendment has been placed on your desks this morning, but to explain to the members, this removes the 5 percent cap from the Bill, leaving only the Social Security offset, since we do have another vehicle for the 5 percent cap.

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

Sent down forthwith for concurrence.

Non-concurrent Matter

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)

In the Senate, June 3, 1981, the Bill, in New Draft (S. P. 661) (L. D. 1685), Passed to be Engrossed as amended by Senate Amendment "A" (S-332).

Comes from the House, the Bill, in New Draft (S. P. 660) (L. D. 1684), Passed to be Engrossed, in non-concurrence.

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

Senator McBREAIRTY: Mr. President, I move that we Adhere.

The PRESIDENT: The Senator from Aroostook, Senator McBreairty, moves that the Senate Adhere.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

The Chair will order a Division.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, we debated this Bill last week. I think the critical difference between the two, I might observe that when this came up in the other Body at about 9:30 p.m., it happened in about two seconds, I don't think anyone really knew what happened, but here it is, the critical difference relates to the overall charge that may be levied against particular industries, and the collecting of waste oil.

I think that the item which the Senate accepted, after debate before, is an excellent beginning for a hazardous waste response program. I think that if we overreach, we will place in jeopardy the whole Bill. I hope we will stick to our previous position, and vote no on the motion to Recede and Concur.

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 good Senator from Knox indicated we debated this issue thoroughly therefore, I will not take much time.

I would support the good Senator from Cumberland, Senator Conley, in his motion to

Recede and Concur, mainly because I believe that the House itself did debate the issue thoroughly. They recognized that the State of Maine has a very serious problem with the hazardous waste problem, and that we are taking a major step in trying to control from cradle to grave the distribution and control of hazardous waste in this State.

The desire to control hazardous waste contained in waste oil is a serious problem. As the good Senator from Aroostook last week indicated, there are many products such as PCB's and other very serious toxic chemicals in hazardous waste oil that must be controlled. I would state that, once again, that it is important to control the hazardous waste oil. There are virtually millions of gallons of it in the State of Maine, at a very low cost to the producers. Thank you.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, I happen to have one of the people who reprocesses oil in my Senatorial District. Two questions come to mind. Number one, we addressed by increasing the fines for people who violate the law, especially people who reprocess oil. Secondly, it appears to me, at the present time, at least, that we're penalizing the people who are trying to do a job in the State of Maine in cleaning up the environment.

If I am wrong on those two particular points, I certainly would appreciate clarification from the good Senator from York, Senator Kerry.

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

Senator McBREAIRTY: Mr. President and Honorable Members of the Senate, the purpose of this Bill is to create a fund for the cleanup of hazardous waste spills. Used oil, presently, is not considered a hazardous waste. It's a used oil, and is presently covered under the Oil Conveyance Bill, Law, Fund, which has a ceiling of \$6 million. Any spills of oil, presently, anywhere in the State, would be cleaned up from the funds that have accumulated from the Oil Conveyance Law.

I think the Senate version of this Bill, is adequate to take care of the problem for the next two years. I don't see any reason to go any further than that. I would hope that you would not Recede and Concur, and Adhere, so that we can accept, at least, a real good start toward taking care of our problem. 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, I would like to indicate, and this was stated last week, I think it must be very clear, first of all, the Oil Conveyance Fund does not cover, by statute, the transportation over the roads in this State of waste oil, hazardous waste oil. The Oil Conveyance Fund is a fund that is derived from fees placed on oil that is brought into ports and harbors in the State of Maine by tankers. Therefore, I would like to indicate that the fund does not, is not covering the transportation of hazardous waste contained in waste oil in the State of Maine.

Secondly, the Oil Conveyance Fund allocates monies not only for the cleanup of spills in our harbors and waterways, but it, also, allocates funds for the administration, and research and development in terms of combating oil spills in the State of Maine, in our harbors and waterways.

I think I would like to indicate this to you, that these are two distinct and separate funds. They will address two distinct and separate problems. I think the good Senator from Aroostook, Senator McBreairty, has worked very hard on this Bill to try to come up with a responsible and reasonable compromise to address this issue. My comments in no way are in criticism of his position, because I think it is a

reasonable position, and I respect his position.

I believe we have to make a position, a statement of public policy that will address the issue completely and thoroughly, and set a foundation for the protection of our environment, and the protection of our people, mainly because these waste oils, as you may well know, were found in the Gray, waste oil disposal, and hazardous waste site. Many of these toxic chemicals in this liquid form will seep into the water table and aquifers, and are not biodegradable.

Therefore, we are placing a time bomb underneath the earth. I do not want to leave, by our inaction on this specific point, the time bomb for my children and the children of other people of this State, to be ingesting.

Therefore, I would say that, in closing, that this fee and this fund is not covered under the Oil Conveyance Fund. I would, once again, indicate that we should Recede and Concur with the House. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator McBreaity.

Senator McBREAITY: I request a Roll Call.

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

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

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

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, the discussion about the collection of waste oil, of course, is critical in this matter. I recognize there has been a very strong lobby from the Department and from the environmental interests these past few days. There's some things about human nature that need to be taken into account. I have discussed this with some of the practical people that work in the woods, and work in garages, and have small country places where crank case oil is drained and stored, and then collected, and so on.

If we go at these people too strongly, and tax them, badger them too much at the beginning, we may develop a pattern of simply dumping it on the ground in the night in some remote place. That isn't going to help the aquifers that my colleague from York speaks about.

I am a co-sponsor with the Senator from York of this Bill. I believe in the importance of a response mechanism. These things have to be worked out by compromise. The attitude of the Department and the environmental interests that they're not going to compromise any on this, I think, is an attitude that is not likely to breed success for it.

I hope that you will stick with the Senate's previous position.

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

Senator TRAFTON: Thank you, Mr. President. Mr. President and Men and Women of the Senate, I'd like to review a few of the facts since we have debated them in previous times. As we mentioned in previous debate, many states already include oil as a hazardous waste. So we're not talking with a total unknown here. On the basis of other states' sampling data, waste oil has already been included as a hazardous waste in the States of Vermont, Connecticut, Rhode Island, and New York.

Based on some of the samples that we've done here in Maine, we already know that 45 percent contain unacceptable levels of PCB's an extremely toxic waste that has already been banned at the national level in 1976, because of its toxicity.

Maine, as we know, does not currently in-

clude waste oil as a hazardous waste. If we Recede and Concur, the measure before us will not change that. We do not seek at this time to include oil, waste oil, as a hazardous waste. What the Bill would do is to provide monies, roughly \$35,000, which would be used to sample waste oil in Maine. Keep in mind that much of Maine's waste oil comes in from out-of-state. This would allow Maine to know what the extent of a contaminated waste oil problem is, and to develop positive approaches to dealing with this problem.

In addition, it will allow the Department of Environmental Protection to determine whether the waste oil that is sampled presents a public health hazard, and whether it can be re-used, for example, in an industrial boiler or burned. I think we need this information, based on the experience of other states in New England. We're behind the times at this point in terms of dealing with our waste oil problem. This is not a tax to try and harass any industry. It's a recognition that we have before us a potentially serious public health problem. I think it would be a serious loophole if we don't include this provision for \$35,000, for a \$35,000 fund to allow us to further assess how we want to handle this problem.

I would urge you to Recede and Concur.

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

Senator REDMOND: Mr. President, Members of the Senate, I would like to add my bit to this. The issue is not whether we are concerned about people's health, because we are taking good care of that in the Bill. We are giving the DEP about a quarter of a million dollars to take care of it.

The issue here, before us, is whether we are going to tax old crank case oil or not. Now I would like to see some incentives for some entrepreneurs to buy a truck and go and pick up the old crank case oil, it is all over the State. People all over the woods, in York County as well as Aroostook when it is time to change the oil, in their equipment in the woods it is on the ground, and everybody knows it, and that is not good for the aquifers, our underground water. We all know that.

This is simply an issue, and what we are voting on is whether we are going to tax old crank case oil, or not. That is the issue. I hope that the Senate is not going to Recede and Concur with the House.

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

Senator TRAFTON: Mr. President and Men and Women of the Senate, just one further piece of information, that would seem to contradict perhaps the statements of the Senator from Franklin, my good seatmate, Senator Redmond.

This is not an attempt to go out into the back woods of Maine and tax everyone who is trying to clean their crank oil, or change their oil. We are dealing in this bill with extremely large quantities of oil. We are dealing in the order of 1,000 kilograms or roughly 2,205 pounds and below that level there would be no fee assessed. So this is only for the transportation of very large quantities of waste oil.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate Recede and Concur with the House.

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

A No vote will be opposed.

The Doorkeeper will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Huber, Kerry, Pray, Sewall, C.; Trafton, Trotzky.

NAY—Collins, Devoe, Emerson, Gill, Hichens, McBreaity, Minkowsky, O'Leary, Perkins, Pierce, Redmond, Shute, Sutton, Teague, Usher, Violette.

ABSENT—Najarian, Wood.

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

13 Senators having voted in the affirmative and 17 Senators in the negative, with 2 Senators being absent, the motion to Recede and Concur does not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to Adhere?

The Chair recognizes the Senator from Cumberland, Senator Huber.

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

The PRESIDENT: The Senator from Cumberland, Senator Huber moves that the Senate Insist and Ask for a Committee of Conference.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I ask for a Division and hope that you will vote no.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion to Insist and Ask for a Committee of Conference with the House, please rise in their places to be counted.

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

The Chair will request a Second Vote be taken, since it is apparent that one or two Senators have not voted.

Will all those Senators in favor of the motion to Insist and Ask for a Committee of Conference with the House, please rise in their places to be counted.

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

15 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion to Insist does not prevail.

Is it now the pleasure of the Senate to Adhere?

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: I ask for a Division.

The PRESIDENT: A Division has been requested.

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

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

17 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the Senate voted to Adhere.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I move that this matter be sent forthwith.

The PRESIDENT: The Senator from Knox, Senator Collins, moves that this matter be sent forthwith.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Do the Rules have to be Suspended?

The PRESIDENT: The Chair would answer in the affirmative.

Senator CONLEY: I object.

The PRESIDENT: The Chair will order a Division.

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

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

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

(See Action Later Today)

Communications Committee on Education

June 4, 1981

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

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 110th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Richard I. Morin of St. Agatha as member of the Board of Trustees of the University of Maine.

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

YEAS:

Senators 3
Representatives 9

NAYS:

Senators 0
Representatives 0

ABSENT: 1 - Rep. Thomas W. Murphy, Jr., Kennebunk

Twelve members of the Committee having voted in the affirmative and none in the negative with one being absent, it was the vote of the Committee that the nomination of Richard I. Morin to the position of member of the Board of Trustees of the University of Maine be confirmed.

Sincerely,
S/HOWARD M. TROTZKY

Senate Chairman
S/LAURENCE E. CONNOLLY, Jr.
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of Richard I. Morin be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Education be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 110th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

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

ROLL CALL

YEA—None.

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

ABSENT—Najarian, Wood.

No Senators having voted in the affirmative and 31 Senators in the negative, with 2 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Richard I. Morin is confirmed.

House of Representatives

June 3, 1981

Honorable May M. Ross
Secretary of the Senate
110th Legislature
Augusta, Maine 04333
Dear Madam Secretary:

The House voted today to Adhere to its former action whereby it Indefinitely Postponed Bill "An Act Concerning Residing Prior to Voting in an Election" (H. P. 793) (L. D. 947)

Respectfully,
S/EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

Senate Papers Joint Resolution

Senator SHUTE of Waldo (Cosponsors: Representative CROWLEY of Stockton Springs and Representative DRINKWATER of Belfast) presented the following Joint Resolution and moved its adoption.

JOINT RESOLUTION EXPRESSING CONCERN AND DISAPPROVAL OF THE ISSUANCE OF AN EXPERIMENTAL DISCHARGE PERMIT TO THE BOWDOIN COLLEGE MARINE RESEARCH LABORATORY

WHEREAS, the Department of Environmental Protection has issued an Experimental Discharge Permit to the Bowdoin College Marine Research Laboratory to conduct tests and experiments in Searsport Harbor; and

WHEREAS, these tests will include spilling hundreds of gallons of oil into the harbor this summer; and

WHEREAS, questions arise as to whether the potential dangers and uncertainties of the project outweigh any valuable scientific benefits that may be derived; and

WHEREAS, the greater potential danger is the possible impact on marine resources which include a proposed mussel farm in the immediate area; and

WHEREAS, inadequate consideration may have been given to finding alternate sites where less risk and concern would have been created; now, therefore, be it

RESOLVED: That the 110th Legislature hereby expresses its grave concern and disapproval of the action of the Department of Environmental Protection in approving the experimental discharge permit to the Bowdoin College Marine Research Laboratory; and be it further

RESOLVED: That a copy of this resolution be transmitted forthwith to the Commissioner of Environmental Protection.

(S. P. 672)

Which was Read.

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

Senator SHUTE: Mr. President and Ladies and Gentlemen of the Senate, probably this Resolution would have been more appropriately discussed during the Hazardous Waste Bill, but I thought that I probably ought to wait until now to discuss it. Probably this is one of the reasons that I voted against the oil tax, because of this Resolution.

It seems that the Department of Environmental Protection is not overly concerned with dumping oil around the State. They have approved a project in my District, the upper Penobscot Bay District, of dumping 500 gallons of oil in the tidal waters, through a \$300,000 grant from the American Petroleum Institute, to Bowdoin College professors to study the effects on marine life. That did not show much concern in my area that the Department of Environmental Protection has for the environment.

They have spent millions of dollars in the Penobscot Bay Area putting in pollution control facilities to clean up the Penobscot River, and now the Board of Environmental Protection is approving an oil spill to dump 500 gallons of oil in that area just because the American Petroleum Institute, that industry that people hold in such high regard throughout the Nation, are giving \$300,000 to a group of Bowdoin professors to study the effects on the marine life of the oil and dispersed oil.

Now this oil spill that they are going to do, 2 oil spills, are proposed. One would be 250 gallons dumped in the Bay, and that would wash ashore and they would use some kind of an Exxon dispersment to clean it up, and while they are getting the data on the marine life, and the effects that it might have on the marine life, I suppose that Exxon might also have some benefit to make a few million dollars on selling this dispersment if it works out well. The other 250 gallons of oil will be mixed with

dispersments dropped out in the Bay and study the effects of this dispersment and oil on the bottom marine life in the Bay area.

Now of course, the 250 gallons that is dispersed, you can't contain that oil because it is broken up and it floats down through the water, and some of it is on top and it goes everywhere.

Now, this is about 4 miles away from a new proposed mussel farm in that area that hopefully will employ from 40 to 60 people, and another area where they have thousands of bushels of oysters that are planted in that area. Over this past winter this same area where the American Petroleum Institute is planning to do this oil spill, this area was opened up to the digging of clams for the first time in 5 years. The very area right next door, of course, has been closed for 9 or 10 years, since 1971, when a government tanker farm had an oil spill in that area. The reason that that area was closed at that time, was the Marine Resources Department said that the clams had tumors in them and it could not be opened, and the effect of the oil that had been spilled in that area are still in the clam flats and it can't be opened for sometime in the future.

Now there is unanimous opposition to this oil spill in my area, not one person in that area favors dumping oil in the upper Penobscot Bay, and polluting an area that was just cleaned up so to help the economy in that area. The economy in that area is very dependent upon the marine resources. Why would the Department of Environmental Protection approve a project in an area that depends so heavily upon the marine resources for the economy in that area?

I think it is a travesty of justice for that Department to allow an oil spill. That is the reason for the Joint Resolution of Legislative Sentiment to the Department. I would hope that the Senate would go along with the approval of this Resolution and I do not think that the DEP is really overly concerned on how bad they pollute the environment, when they are going to approve projects such as this.

Which was Adopted.

Sent down for concurrence.

Order

An Expression of Legislative Sentiment recognizing:

William "Bill" Tulloch, formerly of Augusta, on the anniversary of his birth. (S. P. 673) presented by Senator PERKINS of Hancock (Cosponsor: Senator GILL of Cumberland).

Which was Read and Passed.

Sent down for concurrence.

The PRESIDENT: Is it the pleasure of the Senate that all matters acted upon so far in this morning's proceedings be sent forthwith?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would take exception to the issue, on earlier item LD 1685.

The PRESIDENT: Is it the pleasure of the Senate that all matters with the exception of LD 1685 be sent forthwith?

It is a vote.

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

Senator COLLINS: Mr. President with respect to LD 1685 having voted on the prevailing side I move Reconsideration on the action of the Senate, whereby the Senate Adhered, and hope that you will vote against me.

The PRESIDENT: The Senator from Knox, Senator Collins moves that the Senate Reconsider its action of earlier in today's session, whereby on 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) it voted to Adhere.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I was sort of wondering why this was not done 20 minutes ago. I would ask for a Division and would urge the Senate to vote against.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Knox, Senator Collins, that the Senate Reconsider its action whereby it Adhered on LD 1685, 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 Penobscot, Senator Pray.

Senator PRAY: I request a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I move that LD 1685 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 Pray, to Table LD 1685, 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.

10 Senators having voted in the affirmative, and 18 Senators in the negative, the motion to Table does not prevail.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, I withdraw my request for a Roll Call.

The PRESIDENT: The Senator from Penobscot, Senator Pray now requests Leave of the Senate to Withdraw his motion for a Roll Call.

Is it the pleasure of the Senate to grant this Leave.

It is a vote.

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

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

10 Senators having voted in the affirmative, and 18 Senators in the negative, the motion to Reconsider does not prevail.

Sent down forthwith for concurrence.

Committee Reports House

The following **Ought Not to Pass** reports shall be placed in the legislative files without further action pursuant to Rule 22 of Joint Rules:

Bill, "An Act to Provide a 3 Cent Increase in the Gas Tax Subject to Approval by the Voters in a Referendum." (H.P. 827) (L.D. 983)

Bill, "An Act to Provide an Increase in the Gasoline Tax for a Limited Period of 5 Months." (Emergency) (H.P. 826) (L.D. 982)

Ought to Pass in New Draft

The Committee on State Government on, Bill, "An Act to Authorize and Encourage Private Risk Capital Corporations." (H.P. 532) (L.D. 589)

Reported that the same Ought to Pass in New Draft under New Title, "AN ACT to Authorize and Encourage Risk Capital Funds." (H.P. 1581) (L.D. 1675)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "A" (H-541)

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

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

There being no objections LD 1675 was sent forthwith to the Engrossing Department.

On motion by Senator Collins of Knox, Re-cessed until the sound of the Bell.

Recess

After Recess

The Senate called to order by the President.

Committee Report House Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Authorize a Bond Issue in the Amount of \$4,-800,000 for Energy Conservation Improvements for State-owned Buildings, Completion for State of Maine Park Facilities and Improvements to Airports in the State of Maine." (H. P. 945) (L. D. 1121)

Reported that the same Ought to Pass in New Draft Under New Title: Bill, "An Act to Authorize Bond Issues up to the Amount of \$5,100,000 for Energy Conservation Improvements for State-owned Buildings, Completion of State of Maine Park Facilities and Equipment Replacement for the Maine Public Broadcasting Network in the State of Maine." (H. P. 1550) (L. D. 1663).

Signed:

Sensors:

HUBER of Cumberland
PERKINS of Hancock

Representatives:

JALBERT of Lewiston
SMITH of Mars Hill
LANCASTER of Kittery
ALOUPI of Bangor
CHONKO of Topsham
DAVIS of Monmouth

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 Authorize a Bond Issue in the Amount of \$5,100,000 for Energy Conservation Improvements for State-owned Buildings, Completion of State of Maine Park Facilities and Equipment Replacement for the Maine Public Broadcasting Network in the State of Maine." (H. P. 1551) (L. D. 1664)

Signed:

Sensor:

NAJARIAN of Cumberland

Representatives:

CARTER of Winslow
BRENERMAN of Portland
PEARSON of Old Town
KELLEHER of Bangor

Comes from the House, the Bill, in New Draft, (H. P. 1550) (L. D. 1663) Passed to be Engrossed as amended by House Amendment "A" (H-528).

Which Reports were Read.

On motion by Senator Huber of Cumberland, the Majority Ought to Pass, in New Draft, Report of the Committee Accepted, in concurrence. The Bill, in New Draft, Read Once. House Amendment "A" Read and Adopted, in concurrence. Under Suspension of the Rules, the Bill, in New Draft, as amended, Read a Second Time and Passed to be Engrossed, in concurrence.

Sent forthwith to the Engrossing Department.

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act to Prohibit Registration within 72 Hours of an Election." (H. P. 1003) (L. D. 1201)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

PRAY of Penobscot
CARPENTER of Aroostook

Representatives:

BENOIT of South Portland
NADEAU of Lewiston
DIAMOND of Bangor
ROBERTS of Buxton
BOISVERT of Lewiston

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

Signed:

Sensor:

PIERCE of Kennebec

Representatives:

BORDEAUX of Mount Desert
WENTWORTH of Wells
WEYMOUTH of West Gardiner
HANSON of Kennebunkport
CAHILL of Woolwich

Comes from the House, the Chair ruled not Germane pursuant to Joint Rule 4.

Which Reports were Read.

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

Sensor PIERCE: Mr. President, I move we Accept the Minority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves the Senate Accept the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Sensor CONLEY: Mr. President, I noticed that on the calendar, this Bill was ruled not Germane pursuant to Joint Rule 4, and I'd pose the question through the Chair.

The PRESIDENT: The Chair would advise the Senator that in the opinion of the Chair, this matter is Germane. Each Bill stands on its own. This Bill, like any other bill, may be introduced, and would not be subject to Joint Rule 4.

Sensor CONLEY: Mr. President, I'm not going to debate the Ruling of the Chair, but it appears to me that only recently there was a bill that was re-introduced by the Chief Executive of \$5.70. The germaneness on that bill was ruled not germane.

The PRESIDENT: The Chair will order a Division.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Sensor CONLEY: Mr. President, I would move that this Bill and all accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Conley, that LD 1201 and all its accompanying papers be Indefinitely Postponed, please rise in their places to be counted.

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

14 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion to Indefinitely Postpone LD 1201 does not prevail.

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

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

16 Senators having voted in the affirmative, and 14 Senators having voted in the negative, the Minority Ought to Pass Report of the Committee Accepted in non-concurrence, and 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 forthwith for concurrence.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Concerning Attorney's Fees Under the Workers' Compensation Laws." (H. P. 1235) (L. D. 1460)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-477).

Signed:

Senators:

SEWALL of Lincoln
SUTTON of Oxford

Representatives:

BEAULIEU of Portland
TUTTLE of Sanford
MARTIN of Brunswick
LAVERRIERE of Biddeford
FOSTER of Ellsworth
LEWIS of Auburn
DAMREN of Belgrade

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

Signed:

Senator:

DUTREMBLE of York

Representatives:

McHENRY of Madawaska
BAKER of Portland

Comes from the House, Bill and Papers Indefinitely Postponed.

Which Reports were Read.

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

Senator SEWALL: Thank you, Mr. President. I move that this Bill and all its accompanying papers be Indefinitely Postponed, and would speak briefly.

The PRESIDENT: The Senator has the floor.

Senator SEWALL: Thank you, just to explain what is happening here today, we have another bill, very similar, dealing with the exact same subject, which you'll find under Bills Held, item 3, LD 641, which has been sent to the House dealing with the same thing. We no longer need this Bill.

On motion by Senator Sewall of Lincoln, LD 1460 and all its accompanying papers Indefinitely Postponed, in concurrence.

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Establish Highway Use Fees." (H. P. 862) (L. D. 1029)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TEAGUE of Somerset
EMERSON of Penobscot

Representatives:

POST of Owl's Head
HAYDEN of Durham
BROWN of Bethel
HIGGINS of Portland
INGRAHAM of Houlton
KANE of South Portland
DAY of Westbrook
KILCOYNE of Gardiner
TWITCHELL of Norway

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

Signed:

Senator:

WOOD of York

Representative:

MASTERMAN of Milo

Comes from the House, Majority Ought Not to Pass Report Read and Accepted.

Which Reports were Read.

On motion by Senator Teague of Somerset, the Majority Ought Not to Pass Report of the Committee Accepted, in concurrence.

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Remove the Exemption for Motor Vehicle Fuel from the State Sales Tax Law." (H. P. 645) (L. D. 735)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TEAGUE of Somerset
EMERSON of Penobscot
WOOD of York

Representatives:

POST of Owl's Head
BROWN of Bethel
HAYDEN of Durham
KILCOYNE of Gardiner
KANE of South Portland
HIGGINS of Portland
MASTERMAN of Milo
DAY of Westbrook
INGRAHAM of Houlton

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

Signed:

Representative:

TWITCHELL of Norway

Comes from the House, the Majority Ought Not to Pass Report Read and Accepted.

Which Reports were Read.

On motion by Senator Collins of Knox, Tabled, pending Acceptance of Either Committee Report.

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Provide a 3 Cent Increase in the Gas Tax." (H. P. 829) (L. D. 985)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TEAGUE of Somerset
EMERSON of Penobscot
WOOD of York

Representatives:

POST of Owl's Head
BROWN of Bethel
HAYDEN of Durham
TWITCHELL of Norway
DAY of Westbrook
MASTERMAN of Milo
INGRAHAM of Houlton
KANE of South Portland
HIGGINS of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (H-545).

Signed:

Representative:

KILCOYNE of Gardiner

Comes from the House, the Majority Ought Not to Pass Report Read and Accepted.

Which Reports were Read.

On motion by Senator Collins of Knox, Tabled, pending Acceptance of Either Committee Report.

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act to Add a Class Size Adjustment to the School Finance Act." (H. P. 1176) (L. D. 1400) have had the same under consideration, and ask leave to report:

That the House recede from passage to be engrossed as amended by Committee Amendment "A" (H-413); indefinitely postpone Committee Amendment "A" (H-413); read and adopt Committee of Conference Amendment "A" (H-542) attached herewith and pass the bill to be engrossed in non-concurrence.

That the Senate recede and concur.

On the Part of the House:

ROLDE of York
THOMPSON of South Portland
MURPHY of Kennebunk

On the Part of the Senate:

TROTZKY of Penobscot
MINKOWSKY of Androscoggin

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee of Conference

Amendment "A" (H-542), in non-concurrence.

Which Report was Read, and Accepted, in concurrence.

The Senate voted to Recede and Concur with the House.

Sent forthwith to the Engrossing Department.

Enactor

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

AN ACT Promoting Alcoholism Prevention, Education, Treatment and Research. (H. P. 1540) (L. D. 1655)

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

Senator O'LEARY: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Enactment of LD 1655, please rise in their places to be counted.

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: I request a Roll Call.

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

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

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

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Mr. President and Members of the Senate, I don't want to draw this out any more than it is. I know that the moves afoot, all the parliamentary procedures, are to put an amendment on it in the House. We've tried this amendment before. We've tried it many, many times. It hasn't worked. This is the last ditch stand, I think, for the lobby.

We have listened to our honored colleagues talk about the human tragedy of alcoholism, and the size and scope of the problem, and the question the need for resources to combat the growing problem. The need for additional resources is clearly outlined by the Bureau of Health. We need only ask the State Alcohol and Drug Advisory Council of whom a member of this Body belongs, to know that additional resources are needed.

We have heard discussions concerning priorities, with the suggestion that this Bill gives alcohol a priority over other human services. Within the field of mental health, we currently expend from all sources, over \$27 million. The elderly and the handicapped, also, receive far more than the field of alcoholism. This Bill does not give them a priority. It provides a basis for dealing with a major health problem this State faces. It will ease the problems in other Human Services programs, not increase them.

Last year, because of federal cutbacks in the Alcohol and Drug Fund, entire programs disappeared. Without this Legislation, more programs will be lost, programs that are vitally needed. We currently have one, one, residential program in this State for our youth. You only need ask the guidance counselors within our schools, if that single program is adequate to meet the growing problems our youth face.

There are many examples of the need for services. Somerset County has tried for three years to get funds for alcohol counseling for young people. Each year, they are told, it is a good and needed service, but they are turned down, because there are no funds.

This same thing is happening all over the State, from Aroostook County to York County. As far as prevention and education, we have only begun to address those issues. We need comprehensive programs in our schools, so

that in a few years, we will have had an impact.

This Bill provides for the first time a beginning point for those Educational and Prevention Programs. Without this Legislation, the Department of Education's Unit for Alcohol and Drug Education will, for all intents and purposes, cease to exist.

Who have we seen attempting to kill this Legislation? The liquor lobby has spent an enormous sum opposing this Bill. This Bill will cost no one his or her job. It will instead provide a mechanism for saving their jobs. We have heard this discussion applauding the effort, the grass roots effort to get this Bill passed. Listen to the people of this State. Listen to the many organizations and people who have called, or written supporting this Bill.

While we have heard about the people of this State and their support, we have not heard about the effort, the big money, the special interest liquor lobby, or of their efforts to kill this Bill. They have been at our heels every minute, using argument after argument, anything to see this Bill die.

We have heard the liquor lobby cite Alcoholics Anonymous as a reason we do not need this Legislation. I think it unfair to use an organization that can not affiliate with any cause or interest, as the reason to kill this Bill. How can they use the fellowship that helps those suffering from the tragedy and slavery of alcoholism to kill a Bill that would help those so afflicted? AA is not unto itself in the treatment of alcoholism. They will be the first to admit that. They are a part of a constellation of services, listen to that. They are a part of a constellation of services. Many of the members of that fellowship got there through the detoxification and residential rehabilitation programs we have built and funded. Those programs have helped. The facts are available. Those services have a positive impact on child abuse, family violence, and many other serious concerns our communities face.

Think of the youth who need to be educated, about what alcohol and drug abuse does to them. Think of the youth in the schools, who are putting up with abuses in their own home from alcoholism. If we don't educate them, if we don't have money to put programs in the schools to tell them that there are programs available to them, there is help available to them, you're going to have kids coming to school who have feared for their lives, or one of their parents' lives, or their brothers' and sisters' lives, before they ever hit that classroom. You're going to have kids coming to school who aren't going to be able to take homework home, because you know why? The alcoholic parent doesn't want anybody to get better than they are. After all, they might have to face something.

Those kids suffer through those educational years. Some of them make it. Some of them don't. Is that what you want to look at, because when you're looking at not Enacting this Bill in this Senate, and you could have it done with today, you're looking at sending back to the House, taking a chance on that Legislation being killed down there. That's what you're really looking at, when you give that vote, I want you to think about that.

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

Senator HICHENS: Mr. President and Members of the Senate, I have sponsored similar legislation to this Bill in past Sessions, only to see it killed in the last days of the Legislative Session by a very ambitious lobby, a lobby who would tell us that we have an income of \$30 million profit received from the beneficent trade annually, especially in 1980, the figures they've been quoting.

If it's so beneficent, why can't we take a percentage of that to help correct the problems we're having with people who are so afflicted with this disease, as it is so-called?

This gloating liquor trade plays the news media with talk of this profit, but nothing could be further from the truth. "According to the Office of Drug Abuse and Alcoholism in Augusta, the economic loss from the liquor trade in Maine during 1980, was in excess of \$218,000,000. This means there was an economic loss of \$7.00 for every \$1.00 of revenue received from trade.

It is still fact that the only ones making a profit from the sale of alcoholic beverages are those directly connected with the business. Deceit has always been the forte of liquor trade.

On the national level, the alcohol problem in American society has risen to a record \$61 billion, according to the American Business Men's Research Foundation.

The largest economic cost, amounting to some \$28 billion, is in the area of lost production of goods and services, resulting from alcohol problems among employed persons between the ages of 21 and 60. Two years ago, the Pulp and Paper Industry in Maine reported an annual loss in excess of \$30 million, just in the State, from drinking and drunkenness on the part of labor and management." This was in a news release from Orono.

"The second largest cost in the area of health and medical care, where Americans spent a whopping \$18.2 billion of alcohol-related illnesses in 1979. Although alcohol-related illnesses are typically related to cirrhosis of the liver and alcoholism research data from the National Institute of Alcohol Abuse indicates that alcohol abuse also plays a major role in heart disease, cancer, pneumonia, stomach, and duodenal ulcers, and a host of other ailments."

I've heard the arguments even today, that why should we have a dedicated fund for alcoholism prevention, and abuse, when we don't take care of these other illnesses. These other illnesses are related to alcohol misuse and abuse. I think if we let this Bill go down the drain, as the lobbyists are trying so hard to do, that we are doing a very great disservice to the people of the State of Maine.

Let the people who use it pay for it, not the average taxpayer, who doesn't get involved in these things. Let the people who use this drug, as it is really called, and really is, pay for it, for the treatment and the education which would come out of it.

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

Senator CLARK: Thank you, Mr. President, Mr. President, Men and Women of the Senate, probably opposing the redraft of LD 1655 has been the most political risky thing that I've done in this, my second term in the Maine Senate. I have been the recipient, over the past nine days now, of a well-organized effort to communicate. People have called and written on this issue, in support, not only of my position in the Minority, but in support of Passage and Final Enactment of LD 1655, "An Act Promoting Alcoholism Prevention, Education, Treatment, and Research."

This past weekend, I guess I have developed a new image. Prior to this weekend, I didn't realize that I was the spokesman for the organized liquor industry in the State of Maine. I would deny that image.

I received probably more abusive phone calls and written messages on this issue than in my entire nine years of legislative experience. Abusive phone calls, threatening phone calls, politically threatening phone calls, and to top it all off, a final letter on my desk this morning.

Sometimes we tend to appear as though our heels are stuck in concrete. It has been suggested that simply because there are multiple, yes, multiple members of my immediate family who are recovering alcoholics, or who have died as a direct result of chronic alcoholism, that I should support Final Enactment of LD 1655. There seems to be some lack of under-

standing as to why I stand, politically risky, and oppose final Enactment.

As an elected Legislator and representative of the constituents in State District 11, I try to separate my personal self and life from the principles in which I believe are more beneficial to the State of Maine. Setting aside my personal sensitivities, goals and objectives, I recognize as I do believe unanimously, the rest of the members of this Chamber relative to the tragedy of alcoholism, and its trickle down, yes, even torrent effect on the families and the societal structure of our civilization.

LD 1655 is not dead. It is alive and well. Should this Chamber Fail to Enact it this morning, we all know that it has many chances of survival in the other Chamber, a Committee of Conference, which I obviously favor, in order to address some of the concerns, and not a very small minority of concerns, of you my colleagues in this Chamber.

Alcoholism is indeed a most serious health problem. This is recognized and has been recognized since 1973, many years ago, when the 106th Maine Legislature enacted the Alcoholism and Drug Abuse Act to create a mechanism to provide a professional and integrated approach to alcohol and drug prevention and services.

I would have you in this Chamber, this morning, weigh alcoholism on the same evaluation scale applied to illnesses ranked similarly serious. By that I mean, should we here today create by Enactment of LD 1655, preferential, special funding privileges? I submit to you that justification for dedicated revenues, creation of trust funds and an assessed premium on alcoholic content, such as this in 1655, is wrong. It is neither sound government, good social policy, or good business.

I have thought about it, long and hard. It is difficult to oppose Enactment, but I do have faith in the members of this Legislature, and in the Legislative Process, that the issues of concern of the thus far minority members of this Chamber, relative to a dedicated fund, can be resolved. While the principle upon which this Bill is constructed is a noble one, there is general agreement that the State of Maine ought to be spending more than is now contained in Part I of the budget, for prevention, treatment, research, and education. I cannot, in good faith, and in good legislative conscience, be part of the creation of yet another dedicated revenue account in State government.

It is my belief and legislative experience that dedicated revenues lead to waste in bountiful years and to want in lean years. Dedicated revenues lead to pragmatic uncertainty and even inefficiency. Can an extremely complex health problem and program be isolated and managed within the mechanism of a dedicated revenue? I think not. I question the wisdom of Final Enactment this morning, which would, in fact, dedicate revenues to deal with the disease of alcoholism. Dedicated revenues, through an assessed premium or tax, whatever way you'd like to call it, does not fit within any rational framework of responsible health care funding. It does provide a shelter to special interest and immunity, immunity I repeat, from objective Legislative scrutiny. It is counterproductive towards the realization of an integrated and coordinated health care system in our State of Maine.

You think about it. Should we Enact this Bill this morning? Or should we Fail to Enact it and attempt, through the Legislative Process, to resolve those features of LD 1655 which do cause such obvious and sincere concern from not an isolated number of Senators in this Chamber?

I would invite you to reject the pending motion.

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

Senator SEWALL: Thank you, Mr. President. Members of the Senate, quite differently,

I feel that dedicated revenues is all right in some cases. I do have a problem, however, with this Bill. I am confused about the implication of assessing a premium through this Bill. I have heard it said that premiums mean that consumers will be provided necessary alcoholism services, just as one purchases protection with automobile insurance.

A premium is quite different than a tax. Regardless of your financial status, if you pay a premium on an insurance policy, you are guaranteed certain benefits, regardless of your financial status. The theory on payment of premiums is that the protection or the service is available to the person who pays the premium regardless of that person's ability to pay.

It seems to me, then, that if this Bill passes, alcoholism programs would no longer be able to charge on a sliding scale, based upon ability to pay, as they do now.

Therefore, I pose a question through the Chair, will the imposition of a premium to provide services entitle every user, every payer of that premium, the right to receive the services regardless of income?

The PRESIDENT: The Senator from Lincoln, Senator Sewall, has posed a question through the Chair.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, my purpose in arising this morning was not to address the question. If somebody else feels more competent to address that particular question, I'll yield, but I have specific remarks I want to make on the Record after that. If anybody else is capable of answering that question, I'd yield to them at the present time.

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

Senator BUSTIN: I will attempt to answer it. I'm not absolutely sure of my facts. Having worked with federal programs before, I think that the reason for the sliding scale is the State may have adopted it themselves. The reason for the sliding scale is because that's a federal requirement for the dollars coming down. If the dollars aren't coming down, I suspect it may not always be that requirement. I can't answer you better than that.

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

Senator SEWALL: Then I would pose one other question, thank you, Mr. President. Is there any other premium paid where the beneficiaries of it or the people who pay the premiums are then expected, because of their income status, to pay other services?

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

Senator BUSTIN: Thank you, Mr. President. Yes, I think it's called Major Medical, where you only get 80 percent and you have to pay the other 20 percent.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, over the past 15 years, I want the Record really to show very clearly that I have been a very staunch dedicated advocate in behalf of the people who are having problems in alcoholism, not only amongst themselves, individuals, but the problems they create within the family unit.

I have been a firm believer in the alcoholism prevention programs, and education treatment, especially education, I might emphasize.

I, also, received many telephone calls this past weekend. I'll say very frankly to all of you, that none were of a derogatory nature. None were threatening. The people were very courteous, very kind. I think there's a lot of unanswered questions that these people have on their minds, which has not come forthwith. This has been the major problem.

Let me just emphasize one other point. I'm not influenced one darn bit by the lobby. The

lobby doesn't enter my thinking whatsoever. I'm putting that on the Record, purposely, so in the future, if anybody wants to read it, they're going to know exactly where I stood on that particular issue.

The intent and purpose of this Legislation is excellent. You know, over the years, when we, or those of us involved in the alcoholic bills that were before us, were very, very staunch, dedicated advocates insofar as using those sanctionious State dollars, which go into the General Fund Appropriations, but we got nowhere at all. I think I brought this point out emphatically over the years. If we are going to be in a monopolistic situation by selling booze in the State of Maine, let us put money in towards education primarily, rehabilitation, detox centers, where it's going to do the most good.

After listening to our little debate, I've finally come to the realization I was a voice crying in the wilderness relevant to this issue.

The State of Maine is still going to come out like a bandit in this whole thing, not spending one cent other than that \$3 million that we have in the General Fund Appropriations, and that might be eliminated after this program is Enacted.

You know, over the years, we really have not adjusted sufficiently, and today, by not Enacting this particular Bill, is not a cop-out either.

I have asked persistently and consistently with the programs we've had amongst the private non-profit organizations in the State of Maine, where are your statistics? Show us exactly how many clients you have served. Show us the cost per client? What is the recidivism rate amongst alcoholics? Is it on an increase in various sections of the State of Maine? Such as my own home town of Lewiston, where I know it has been on the increase, because of many diversified problems.

I get a little apprehensive with the bureaucratic system because, I'll tell you very frankly, when I look at the bureaucratic system, I only come up with one single evaluation. Bureaucracy is the enemy of efficiency, and that factor will never change.

These fine people who are involved in the non-profit area really are not getting a fair shake from the Department of Human Services with all their jockeying around they've been doing over the years. I think it's more prevalent today than it ever has been in the past. I sometimes wonder if this Bill was enacted, would that bureaucratic system, that so-called happy marriage between three different departments, give them the consideration that they deserve?

I'll go back to one recent example. In the month of November when Merry Meeting House, which is a detox center, highly respected by the Sagadahoc County Sheriff's Department, the Town of Bowdoinham, and other people in that community, was going to phase-out part of their organization in December of 1980. I went to that great Department of Human Services, that compassionate organization, and they gave me baloney for an answer, and that particular phase of that particular organization was phased out.

These people, dedicated as they are, need that consideration, but I don't think they're going to get it by enhancing that bureaucratic system, which is non-responsive to anybody under any circumstances, unless you fall into a certain clique group, and you can ask for special consideration.

I could go on, maybe for hours, with the frustrations I have, and what I've observed with some of the things in this particular Bill today.

It is a beginning point, but the beginning point should not be taking it on both ends of the spectrum, that is, on the hard liquor at the ounce, and then not having the State from their monopolistic posture giving their fair share to address this particular situation.

There has to be better accountability, in-so-

far as how those dollars were spent in the past and how will they be spent in the future without imposing additional premiums as time goes on.

You may recall last week we discussed this somewhat in the area that was about \$7 million coming out of this particular thing, between the \$3 million in the General Fund, plus the haphazard amount of federal allocations, plus what this particular Bill would bring in, and yet we asked a very specific question. How much money have you used in the past? And we have never had a constructive answer.

One final point. I'm for the program. I believe in it. I think it's going to solve part of a very serious problem in the State of Maine, but I need more specifics and better accountability before I will vote in favor of this particular Bill as it stands presently.

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

Senator PERKINS: Mr. President, Ladies and Gentlemen of the Senate, I rise also not opposing the Bill, because I think the Bill is a major effort in direction which I think should be utilized by not just one special interest group, but by health care as a whole.

The Senator from Androscoggin and several others have made reference to the appropriation which we made for the biennium of \$3 million, which I don't think is a small effort considering the constraints which we have had on our budget for this year and the past years and that we will have in the future.

If this has not been utilized to its ultimate or to its most effectiveness, then by all means change it. I have no problem with that. I think this is the thing to do. If education will cure or help elevate the problem, then so be it. Let's use the \$3 million to just this effect, but let's not add another \$2 million in the first year, and then \$2.9 in the second year to compound the problem for merely the bureaucracy that the Senator from Androscoggin addressed us.

The Catastrophic Illness Program, which fell into the same budget as the \$3 million for the biennium, for alcoholism treatment fell down by \$1 million. Now having had a very close friend who has not been diagnosed as a terminal cancer patient, I'm wondering what will happen to his family and his family's finances because of the loss of the Catastrophic Illness Program of \$1 million.

I sat listening to some of the proponents of this Bill who say that alcoholism in itself, or the consumption of alcohol, may lead, they feel very strongly, leads to cancer of the throat or cancer of the stomach. Are these cancer victims, because they have been diagnosed as cancer, are they to be deprived of this fund because they are not diagnosed as alcoholics? I believe that's so. I believe that because they are diagnosed as a malignancy, rather than an alcoholic, they will not be a beneficiary of this problem, so therefore, I urge you today to not enact this Bill, but to work towards the Committee of Conference, as addressed by the good Senator from Cumberland, and we address the problems of the health care community as a whole, the elderly, the aging, drugs for the elderly, all the diseases which merit our careful scrutiny, not just one disease and one dedicated fund.

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

Senator CONLEY: Mr. President, Members of the Senate, I rise this morning on this particular Bill, because even at this very late hour, I have grave concerns as to how to vote on this Final Enactment.

I have concerns because I have been fully cognizant of the history of the Bureau of Alcoholism Services under the Division of Human Services for several years. In fact, one of the major pieces of Legislation that I was ever fortunate enough to have my name on was the Uniform Alcohol Treatment Act that was passed several years ago. Prior to that enactment there were all these people who are running

around here today with their concerns about those who were suffering with alcoholism? When those individuals were being carted off the street and thrown in the local lockup, and brought to the county court house in the morning and sentenced to 30 days in jail, many who did life on the installment plan in County Jails merely because of the fact that they were sick people and could not, obviously, handle alcohol.

Back in those years we had, as I said earlier, the Division of Alcoholism Services, and they rode on a budget of \$80,000. I'm not sure if that was for the biennium or for each year of the biennium, but that's an amazing amount of money. More important, than the money, we had people running that Division who cared. They cared about alcoholism. They had 7 counselors, an unwritten law that each one of those counselors were recovered members of Alcoholics Anonymous and sober for a period of five years.

What do we have today? We have every professional coming out of the woodwork that can find his way to the till to get a buck. Those are my concerns.

When we passed the Uniform Alcohol Treatment Act, we made monies available primarily, to establish halfway houses in detox centers. How long did it take the professional social workers to get a Bill in this Legislature that said, in order to counsel alcoholics, one must be certified, certified, certified? I can tell you something. I used to get out of bed at three o'clock in the morning with no certification other than the fact that I drank too damn much when I was young. By the grace of god I was able to do something about it with that organization that no one has mentioned here this morning, that does it for not one cent.

I get disturbed when I hear people talking about the lobby. I don't give a damn if you put 50¢ an ounce on the beer or the hard stuff. It doesn't bother me a bit. I want to see a program that's going to work, and we're going to see results, and I can talk about many of these programs that are in effect today that the State is funding, and is nothing but a waste of tax dollars.

I can talk about some of the detox centers and some of our hospitals who are doing the job and believe me, it's costing us one heck of a dollar.

Why is this Bill so necessary? Has anyone talked to you about why it's so necessary? It's necessary because we have in Washington an administration that is cutting back on every program on the books. We all know it. The Congress is going along with it, and we know that some of those social service programs are going to be carved.

This money here is going to replace what Title 20 monies normally multiply to the money that we appropriated in the General Fund to assist detox and halfway houses. That's all this money is going to do, supplement what Title 20 monies normally did. So what it's going to do, primarily, is free up Title 20 money to assist in some of those other social services programs that are going to be cut or cut back by the Congress when it passes its budget.

The resentment I've had for this Bill has been since the day it was introduced, when the good sponsor of the Bill, the good Senator from Kennebec, Senator Bustin, came to me and spoke to me about it. I raised my objections then and there, about dedicated revenues, dedicated funds. That's why we're in problems with the DOT. That's why we're having problems with Fish and Game, and we will have problems with ODAP once this Bill is passed.

How much of a check does the Office of Alcohol and Drug Abuse do on these different agencies around the State that are being funded by them. Let me give you an example. At one time I served as the director of a halfway house in Portland, allegedly for a small period of time because of the fact that one director resigned, and they had advertised and they wanted to be

sure that they got an individual that would meet their requirements, and they asked. They said Jerry come on down and fill in for us, will you, for a few days, whatever. Well, I ended up being there for 21 days rather than the 3, and we used to have anywhere between 20 and 28 people in a halfway house at all times, and during those days, those 28 people, or the vast majority of them, were paying \$35 a week toward their cost of their being there. If they had a family, that \$35 was adjusted so that they could sent some money home.

We had 3 people, 3, on that staff in that halfway house. Once they found a director and I left and got off the scene, all of a sudden things began to change, and I, more than once, called it to the attention of this great bureaucracy to look on matters. Twenty-one people, 21 people were on the payroll. All of sudden we had Model City's money; we had CETA; we had everything coming in. How many are on the payrolls today? Is there anyone who cares? Never mind the money. Never mind the money.

I tell you, many of the people who are up here tapping on your shoulder to pass this Bill are concerned about one thing, employment, keeping the program going, keeping the people on board, and I am not totally against that. I want to see more people who know what alcoholism is all about, who are recovered alcoholics, who can sit down, who don't have to have some bureaucrat, across the street, say you are now a certified alcoholic counselor. That's what's bothering me along with this dedicated revenue bit. I have wrestled and struggled and weighed this thing time and time again almost since January, and I'm not, in anyway, condemning the good Senator from Kennebec, Senator Bustin, because I know that her heart's in the right place, but too many hearts are in the right place, and they really don't get into the workings to see what's going on.

We've done something here for alcoholics this year. We've passed 3rd party payments with insurance companies that are now going to make it even better. We probably didn't need it because the blue collar workers, or the people who come from the high echelon, always get checked into a hospital under some other type of an ailment, but were being treated for the same problem that many others were being treated for in the county jails.

That's the problem I have with this Bill. I don't want to see it die because I think the \$3 million is going to be necessary, but I would at least hope, I would hope that if this Bill passes, that either the Joint Standing Committee on Health and Institutional Services takes a hard, hard look as to what's going on. We introduced a Bill last year to do away with certification because we thought it was nuts, unfortunately we did not get anywhere, but those are in AA don't have to be certified. You know, they got the message and they got the education, and it cost them an awful lot of money to get it, but they're the best damn counselors that you'll find anywhere, and I don't care how many professionals come out of the woodwork, they'll never match up. They'll never match up.

So, I hope everyone really gives some serious consideration, and secondly that we take a real hard look at what is going on in the Office of Alcohol and Drug Abuse.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Bustin, who requests leave of the Senate to speak a fourth time.

Is there objection?

The Senator has the floor.

Senator BUSTIN: Thank you. I won't take much of the Senate's time, but I would like to quote a few statistics.

Senator Minkowsky has asked for those a number of times I pulled them out from my little pamphlet as a member of the Board of Directors of NCA and these are the ranking dis-

eases in the United States: Cardiovascular, 12,250,000; Alcoholism, 10,000,000; Mental Illness, 10,000,000; Diabetes, 6,000,000; Retardation, 6,000,000; Rheumatoid Arthritis, 5,000,000; Kidney Disease, 3,300,000; Do I need to go on? Alcoholism, 10,000,000; in the State of Maine, and those were figures from 1977. In the State of Maine for 1978 estimated numbers of substance users, these are only substance users, all ages, 1,084,422, of those 12 to 17 years of age 116,400.

There were some other questions that had been raised. Senator Minkowsky raised the fact that the programs in the past haven't worked. Does that preclude the fact that this program might work. Are we so inundated with bureaucracy, are we so turned off by bureaucracy that we're not willing to give a new funding mechanism a chance? Can you give it, at least, a chance for a year to see if it really does work?

I'd like to go on Record, right here and now, as telling you that last Saturday I attended a Board of Directors meeting of the National Council on Alcoholism. I put them on notice, that if, in fact, this Bill did pass, in whatever form, that I intended to be intimately involved with the development of those proposals, because one of the things that I have said in my campaign, if I can do anything, what I would like to see is new innovative and creative programs to deliver the services to the people of the State of Maine. I look at this Bill as a mechanism for being able to develop those new creative innovative programs.

I pledge to you that I will be involved in developing those proposals. I don't know what will come out of them. I can't stand here and tell you that they're not going to have the same fate that the other programs have had, but I guess I haven't given up on life to the point where I'm not going to try something new.

Dedicated revenues. Why should we dedicate revenues to alcoholism. Ten million substance abusers in the United States. Is that reason enough? If I could find ways to dedicate money to cancer, you can be rest assured I would try to find that way.

I think we, as a society, have the responsibility to try to do as much as possible. We raise \$28 million out of alcoholism tax. We give to the alcohol program \$1.8. Does that tell you anything? Get in there and fight for the funds. Is that what you're saying? We fought. What has it brought us? 1.8 million. How much has it brought for mental health, which is also \$10 million in disease? \$27 million. Does that tell you anything. Dedicated funds? Of course you need dedicated funds for that.

To answer the question of, that the more you get the more you are going to use, and that the more you drink, the more the fund is going to have. I think that perhaps the good Senator from Freeport has forgotten the scallop effect that I tried to explain the other day. The more that you do drink, is the more you have to treat. The less you drink, the less money you get in, the less you have to treat. It seems to be fairly simple to me, and it's the first time that I've heard so much socialism in this Branch. I thought that that's what we always advocated against was socialism, but yet, you're saying to me that if cancer can't have the same amount of money, or heart disease can't have the same amount of money, or welfare can't have the same amount of money, how come alcoholism can have the same amount of money. Are we talking about Socialism now? It doesn't make too much sense to me. On the AA thing, I would just like to reiterate again. AA does not have the expertise to prepare those alcoholics to be able to take the benefit of the AA. The hard and fast alcoholic must have the detox. They must have the residential treatment. AA cannot supply that.

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

Senator CONLEY: Mr. President, Members

of the Senate, I'm not going to continue this tirade because I can, honestly, get really wound-up.

I'm going to ask the Senate to vote against the Enactment of this Bill this morning, and if it Fails of Enactment, it would be my hope that the Senate would somehow or other be able to get into a situation of having to Insist and Ask for a Committee of Conference.

My intent would be to remove that part that deals with dedicated revenue.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: I ask Leave to pair my vote with the Senator from Cumberland, Senator Najarian. If she were here, she would be voting no, and I would be voting yes.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, Requests Leave of the Senate to pair his vote with the gentlelady from Cumberland, Senator Najarian, who if she were here would be voting Nay, and the Senator from Penobscot, Senator Emerson, would be voting Yea.

Is is the pleasure of the Senate to grant this Leave?

It is a vote.

The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: What is the motion, Mr. President?

The PRESIDENT: The present motion is Enactment.

Senator KERRY: Mr. President, I would ask Leave of the Senate to pair my vote with Senator Wood. If he were present, he would be voting Yes, and I would be voting Nay.

The PRESIDENT: The Senator from York, Senator Kerry, requests Leave of the Senate to pair his vote with the gentleman from York, Senator Wood, who if he were here would be voting Yea, and the Senator from York, Senator Kerry, 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 Enactment of LD 1655.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Bustin, Carpenter, Collins, Dutremble, Hichens, Pierce, Pray, Redmond, Sutton, Teague, Trafton, Trotzky.

NAY—Ault, Brown, Charette, Clark, Conley, Devoe, Gill, Huber, McBreairty, Minkowsky, O'Leary, Perkins, Sewall, C.; Shute, Usher, Violette.

A Roll Call was had.

12 Senators having voted in the affirmative, and 16 Senators in the negative, with 4 Senators having paired their votes, with No Senators being absent, LD 1655 Failed of Enactment in non-concurrence.

Sent down for concurrence.

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

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

Recess

After Recess

The Senate called to order by the President.

Orders of the Day

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 3, 1981 by Senator PIERCE of Kennebec.

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

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

Senator TROTZKY: Mr. President, I move that LD 624 be Tabled for 1 Legislative Day.

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

The President laid before the Senate the second Tabled and specially assigned matter: Bill, "An Act to Amend the Workers' Compensation Law." (H. P. 685) (L. D. 799)

Tabled—June 3, 1981 by Senator SEWALL of Lincoln.

Pending—Adoption of Senate Amendment "A" (S-328) to House Amendment "A" (H-516)

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

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

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

Tabled—June 3, 1981 by Senator SEWALL of Lincoln.

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

On motion by Senator Sewall of Lincoln the Senate voted to Reconsider the Adoption of Committee Amendment "A".

On motion by Senator Sewall of Lincoln the Senate voted to Indefinitely Postpone Committee Amendment "A", in non-concurrence.

The PRESIDENT: The Senator has the floor. Senator SEWALL: Thank you, Mr. President. I present Senate Amendment "A" under filing number S-339 and move its adoption.

The PRESIDENT: The Senator from Lincoln, Senator Sewall offers Senate Amendment "A" to LD 1001 and moves its adoption.

Senate Amendment "A" (S-339) Read and Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

On motion by Senator Collins of Knox, the Senate voted to remove from the Unassigned Table:

Bill, "An Act to Increase Registration Fees under the Maine Consumer Credit Code." (H. P. 164) (L. D. 190)

Tabled—March 4, 1981 by Senator COLLINS of Knox.

Pending—Enactment.

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

On motion by Senator Devoe of Penobscot, the Senate voted to remove from the Unassigned Table:

HOUSE REPORT—from the Committee on Judiciary — Bill, "An Act to Make Drinking in an Unlicensed Public Place a Class E Crime." (H. P. 1011) (L. D. 1207) Ought to Pass as Amended by Committee Amendment "A" (H-426)

Tabled—May 29, 1981 by Senator DEVOE of Penobscot.

Pending—Acceptance of Report.

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

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

Papers from the House

Joint Orders

WHEREAS, vocational rehabilitation is an important and integral component of the Work-

ers' Compensation Law of the State; and

WHEREAS, the present provisions of the Workers' Compensation Act have been interpreted by the courts to provide protection only for those injured workers who are least likely to derive benefit from vocational rehabilitation; and

WHEREAS, the interests of all parties to the workers' compensation system are best served by an effective process of vocational rehabilitation in order to help injured workers regain earning capacity and to help curtail the costs of compensation insurance; now, therefore, be it

ORDERED, the Senate concurring, that the Chairman of the Workers' Compensation Commission is respectfully directed to study the area of vocational rehabilitation; and be it further

ORDERED, that the chairman report his findings and recommendations, together with all necessary implementing legislation to the Legislative Council for submission in final form at the Second Regular Session of the 110th Legislature; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to the Chairman of the Workers' Compensation Commission.

(H. P. 1618)

Comes from the House Read and Passed.

Which was Read.

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

Senator SEWALL: Mr. President, I move that HP 1618 be Tabled for 1 Legislative Day.

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

WHEREAS, the problem of occupational disease and hearing loss is an important and complex subject; and

WHEREAS, it is the policy of the Legislature and the State to protect Maine's workers from these hazards and to provide adequate relief from subsequent loss of earning capacity; and

WHEREAS, these objects would best be met through a comprehensive and integrated Occupational Disease Law; now, therefore, be it

ORDERED, the Senate concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Labor shall study the area of occupational disease and hearing loss; and be it further

ORDERED, that the committee report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council for submission in final form at the Second Regular Session of the 110th Legislature; and be it further

ORDERED, that the Legislative Council, before implementing this study and determining an appropriate level of funding, shall first ensure that this directive can be accomplished within the limits of available resources, that it is combined with other initiatives similar in scope to avoid duplication and that its purpose is within the best interests of the State; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee.

(H. P. 1629)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Joint Resolutions State of Maine

In the Year of Our Lord One Thousand Nine Hundred and Eighty-one

Joint Resolution Regarding
The Wages and Benefits of Employees
in Private Long-Term Care
Facilities and Service Agencies

WHEREAS, employees in private sector, long-term care facilities and service agencies are paid wages at or near minimum wage level with virtually no fringe benefits; and

WHEREAS, the serious problem of long-term care recipients cannot be addressed until wage levels and fringe benefits are at least equivalent to those of workers in state institutions; and

WHEREAS, these programs are funded through state and federal moneys and the wages and benefits are determined by the State in the reimbursement contracts; and

WHEREAS, the Governor's Task Force on Long-term Care concluded that the present situation is unacceptable; and

WHEREAS, the task force concluded that in the long run there would be substantial savings in training costs by having a stable work force; and

WHEREAS, quality care, which the task force concluded is the most critical element in long-term care for Maine citizens in need, would obviously be improved; now, therefore, be it

RESOLVED: That We, the Members of the 110th Legislature, declare that it should be the policy of the State that wage scale levels and fringe benefits for employees of long-term care facilities and agencies in the private sector should be similar to wage levels and fringe benefits for similar positions in the public sector, without a resultant loss of positions or decreased availability of long-term care services.

(H. P. 1627)

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

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

Senator COLLINS: I move that this Resolution be Indefinitely Postponed.

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

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

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Knox, Senator Collins, that HP 1627 be Indefinitely Postponed, please rise in their places to be counted.

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

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I discern some confusion about which item that we are on. The Joint Resolution in question is the one entitled: "The Wages and Benefits of Employees in Private Long-term Care Facilities and Service Agencies." Which calls upon the Legislature to declare State policy that the wages in the private sector ought to be the same as in the public sector.

I think that when we here in the Legislature, start trying to tell the private sector what its wages ought to be, that we really are way off base. We have a Minimum Wage Law in the State of Maine, and I think, that really covers the situation.

This is a Resolve that we submitted 3 times, to the Legislative Council and denied, and so it comes forth as a Joint Resolution. It does not amount to a great deal, but if the Legislature really wants to tell the private sector to set its wages to do the same standard as the public sector, why this is the way to do it, but I am not in favor of it.

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

Senator SEWALL: Mr. President, and Members of the Senate, I believe it says, that you'll find in the last paragraph under Resolve, the third line up, "agencies in the private sector should be similar to wage levels and fringe benefits," similar "for similar positions in the public sector." I do not think that it is nearly as

strong as the good Senator suggests. I believe that it is a real problem, and something that we should address.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Knox, Senator Collins, to Indefinitely Postpone, HP 1627, please rise in their places to be counted.

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

13 Senators having voted in the affirmative, and 17 Senators having voted in the negative, the motion to Indefinitely Postpone does not prevail.

Which was Adopted, in concurrence.

State of Maine

In the Year of Our Lord One Thousand Nine Hundred and Eighty-one

Joint Resolution Memorializing Congress to Endorse the Concept of Providing Health Care Services in a Central Facility in Aroostook County, Under the Auspices of the Veterans Administration Center In Togus

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

WHEREAS, as early as 1946, Aroostook County veterans have felt the need for the establishment of a specific Veterans Medical Care Facility centrally located in Aroostook County, but in spite of numerous efforts and proposals such a facility has not yet come to pass; and

WHEREAS, utilization of the Veterans Administration Medical Facility at Togus by Aroostook County Veterans is 1/3 that of veterans throughout the remainder of the State; and

WHEREAS, the cost and personal hardship of driving 600 or more miles, many times in dangerous weather conditions, from Aroostook County to Togus for outpatient work, post-operative work, physical examinations, prehospital physicals, physical therapy, or other outpatient services, is most substantial; and

WHEREAS, a satellite facility located within an existing medical facility in central Aroostook County would show a substantial savings in travel expenses paid to veterans, while at the same time making the services more available to the veteran; and

WHEREAS, hospitals in Aroostook County, such as Cary Medical Center, are equipped with adequate medical technology, physician specialists and medical equipment to provide quality medical care on an outpatient basis for the veterans; now, therefore, be it

RESOLVED: That We, your Memorialist, respectfully recommend and urge the Congress of the United States to consider and approve provisions for health care services to veterans in a central facility in Aroostook County, State of Maine, under the auspices of the Veterans Administration Center, Togus, Maine; 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 Speaker of the House of the Congress of the United States and to each member of Congress from this State.

(H. P. 1626)

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

Orders

Expressions of Legislative Sentiment recognizing:

Matt Loomis, of Troop 307, Kittery, upon achieving the high honor and distinction of be-

coming an Eagle Scout. (S. P. 674) presented by Senator HICHENS of York (Cosponsor: Representative LANCASTER of Kittery).

Tim Bryant, of Troop 307, Kittery, upon achieving the high honor and distinction of becoming an Eagle Scout. (S. P. 675) presented by Senator HICHENS of York (Cosponsor: Representative LANCASTER of Kittery).

Rick Stacy, of Troop 307, Kittery, upon achieving the high honor and distinction of becoming an Eagle Scout. (S. P. 676) presented by Senator HICHENS of York (Cosponsor: Representative LANCASTER of Kittery).

Gary Smith, of Troop 307, Kittery, upon achieving the high honor and distinction of becoming an Eagle Scout. (S. P. 677) presented by Senator HICHENS of York (Cosponsor: Representative LANCASTER of Kittery).

The Houlton High School "Shiretowners" girls softball team and coach Steve McDonald, Aroostook League Class A champions for 1981. (S. P. 678) presented by Senator CARPENTER of Aroostook (Cosponsors: Representative SMITH of Island Falls and Representative INGRAHAM of Houlton).

Houlton High School Shiretowners and Coach John Donato, winners of the Aroostook County Class A Baseball League Championship for 1981. (S. P. 679) presented by Senator CARPENTER of Aroostook (Cosponsors: Representative SMITH of Island Falls and Representative INGRAHAM of Houlton).

Which were Read and Passed.

Sent down forthwith 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:

Elisa Beth Whittier, of Auburn, who represented Maine in Seventeen Magazine's Tennis Tournament of Champions, and qualified into the Pro-Am Division.

(H. P. 1620)

Ray Thibodeau, Laurie Delano, Mark Durgin, Tina Clark, Brad Limoges and Kathy Pombriant of East Auburn School, who won certificates of honor at the 5th Annual Student Film Festival in Portland.

(H. P. 1621)

Sheri Chicoine, Jeff Hess, Roland Camire, Lorna Cote, Philip McKean, Debbie MacDonald, Brigitte Poulin, Stuart Beddie, Jennifer Lee, Laurice Bernaiche, Maria Clements, Lynne Hill, Danielle Lemieux, Laura Tyler, Lisa Cyr, Alicia Hubbel, Heidi Merrill, Kellie Sweet and Scott Morris of Central School in Auburn, who won certificates of honor at the 5th Annual Student Film Festival in Portland.

(H. P. 1622)

Elizabeth Chavey, Valedictorian of Ellsworth High School, Class of 1981.

(H. P. 1623)

Ann Moore, Salutatorian of Ellsworth High School, Class of 1981.

(H. P. 1624)

The Mexico High School girls' softball team, which won the 1981 State Class C Championship.

(H. P. 1628)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Enactors

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

AN ACT Establishing a Voluntary Income Protection Program for Shellfish Harvesters. (H. P. 1450) (L. D. 1590)

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

AN ACT to Create an Appellate Division of

the Workers' Compensation Commission, to Require the Commission to Conduct a Data Systems Study and to Expedite the Filing of Medical Reports. (H. P. 1252) (L. D. 1476)

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

AN ACT Concerning Information Provided by Insurers Prior to Rate Approval. (S. P. 345) (L. D. 988)

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

AN ACT to Amend the Workers' Compensation Second Injury Fund, to Assist Handicapped Workers in Returning to Employment and to Reduce Multiple Injury Litigation. (H. P. 524) (L. D. 590)

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

AN ACT Relating to Aquaculture. (H. P. 1128) (L. D. 1345)

AN ACT to Reform the Regulation of Carriers of Passengers and Freight. (H. P. 1576) (L. D. 1678)

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

AN ACT to Provide a Special Muzzle-loading Hunting Season. (H. P. 218) (L. D. 255)

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

Senator TROTZKY: Mr. President, Members of the Senate, all day long, I have been stocking my prey and finally it arrived. An Act to Provide a Special Muzzle-loading Hunting Season.

Now, a muzzle-loader is a firearm, simple as that. It fires a ball or bullet and the intention is to kill a deer or a bear, I guess, if it comes into view.

We do not need a special season for a separate category of firearms in the State of Maine.

I will read a communication from the Deputy Commissioner of Inland Fisheries and Wildlife, William Peppard. "This legislation will result in additional hunting pressure on our deer herd particularly in those areas of the State where additional pressure would not be desirable, and therefore, might cause a reduction in the number of days of open season during the regular firearm season on deer.

Muzzle-loading rifles are legal and are used during the regular open firearms season on deer presently, and therefore, we do not feel that a special season is necessary or a benefit to the Maine deer herd." Therefore, I would urge the Senate to vote against the Enactment of this Bill.

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

Senator REDMOND: I request a Division, and I would like to speak briefly.

The PRESIDENT: The Senator has the floor.

Senator REDMOND: Ladies and Gentlemen of the Senate, at this late hour I regret that we have to hold you up by the motion by the Senator Trotzky of Penobscot.

This Bill has been debated in full-length it went to a Committee of Conference, they amended it, and it is in front of us here in order that we agree with both Houses, and I urge that you pass it, in spite of the attempt by Senator Trotzky, who as you all know he likes to eat the peanuts and throw the shells at us. Do not pay attention to him. Thank you.

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

Senator MCBREAIRTY: Mr. President and Honorable Members of the Senate, you don't very often see Senator Trotzky and I together in opposition to the Chairman of Fisheries and

Wildlife, but we are today.

I think that there is plenty of pressure on our deer herd presently. I think that any one with a muzzle-loader can go out any time during the season that they wish and hunt either part or all of the regular season. So I would urge you not to pass this Bill. If we pass it you are going to give a few people that don't have any luck in the regular season, another 3 days, either that or you are going to force the hunters, the rest of the hunters to cut back 3 days.

Now we have fought against baiting bear, and catching salmon, and this sort of thing to conserve our wildlife so you would have a real chance today to conserve some of our deer herd, by killing this Bill. Thank you.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

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

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

14 Senators having voted in the affirmative, and 14 Senators having voted in the negative, the Bill Failed of Enactment, in non-concurrence.

Sent down for concurrence.

AN ACT to Protect Farmers' Right to Farm. (H.P. 1175) (L.D. 1399)

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

Senator HICHENS: Thank you, Mr. President. It is with great reluctance that I get up and make a motion to Indefinitely Postpone this Bill and all accompanying papers, today.

The Farmers' Right to Farm, I have been a farmer most of my life, I appreciate the needs for the rights of the farmers, but this Bill came before the Committee on Agriculture and we were told by our assistant that there were so many legal strings to this that he did not see that there was any possibility of us enforcing it, and so the Committee voted unanimously to send it to Judiciary and let them untangle some of the legal strings.

Apparently they did not see any legal barriers to it, and they came out with a unanimous amendment which troubles me very much. In part 2 of that amendment, it says, "a farm of farm operations will not be considered a public or private nuisance if the farm or farm operation alleged to be a nuisance conforms to generally accepted agricultural practices as determined by the Commissioner of Agriculture, Food and Rural Resources." That means that every time somebody makes a complaint the Department has to send someone down to have a public hearing as to whether that farm is a nuisance in the area. I think that that is going to be an added expense to the Department, which isn't going to be necessary because I think that farmers now have the right to farm.

I only know of one case in the State, where a farmer has had a lot of opposition from some of his neighbors and that wasn't ever brought to court, according to the reports that were given to us. It was settled rather amicably so I do not think that we should come out with a definite rule that the farmers have the right to farm regardless of what the problems may be in their area.

The third section says, "a farm or farm operation shall not be considered a public or private nuisance if the farm or farm operation existed before a change in the land use or occupancy of land within one mile of the boundaries of a farm. That means that should have a farm right here in the State House area, that for one mile in the whole area round about me, that no one would have a complaint because of my farm practices. I think that that's going much too far as far as a man's right to have his practices within the community is concerned, and as I said before, it's with great reluctance that I make this motion that I have had a lot of heart

searching about it, and I feel I must make the motion this afternoon.

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

Senator DEVOE: Thank you, Mr. President. It is with some reluctance that I get up to urge the Senate, very strongly, to oppose the motion just made by the Senator from York, Senator Hichens.

The Bill, as it came out of the Judiciary Committee, is in no way comparable to the Bill that was originally heard by the Committee on Agriculture.

We were able to study this matter, and the Bill that you have which is the amendment, the amendment is not the Bill, page 500, is modeled almost exactly on the statutes that some 18 or 20 states have passed in the last couple of years. I don't know what the Committee Assistant to the Committee on Agriculture may have told the Chairman of the Committee. I don't know to what extent the Committee on Agriculture studied the Bill like the Committee on Judiciary did.

I don't know even whether the Committee Assistant to the Committee on Agriculture was even aware of what the other states had done, but I personally checked some 10 or 12 copies of the statutes that have been enacted in the last 2 or 3 years by several other states. This is based very closely on Michigan's statute, which passed within the last year, and it's an effort to recognize the place that Maine Agriculture has in our society today, and also, to deal particularly with section 2 or the Bill dealing with Agricultural practices.

My understanding what that means is that the Commissioner on Agriculture, in accordance with the Administrative Procedures Act, would be able to hold hearings around the State and would develop a set of regulations that would in some way define what accepted agricultural practices were.

I don't think it means, as the Senator from York, Senator Hichens, suggested, that every time there's a complaint or a law suit against the farmers that the Commissioner on Agriculture is going to have to go down and hold a hearing to find out what whether that particular farmer did was or not accepted to agricultural practices.

What the Bill does mean, and what section 2 means particularly, is that the Commissioner will be able to, after holding hearings, after providing an opportunity for all kinds of farmers, dairy farmers, crop farmers, to come in and have their say as to what they think accepted agricultural practices are.

I compliment the Senator for the Amendment which he introduced about a week or ten days ago, deleting provisions about spraying. I told him at that time that I thought there was a helpful amendment to the Bill, and at no time in my discussion with the Senator from York Senator Hichens, a week or ten days ago, did he ever intimate to me that he had any strong problems with the Bill.

So, Members of the Senate, I do urge you to oppose the pending motion, and instead, vote for Enactment.

Thank you very much, Mr. President.

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

Senator CONLEY: Mr. President, Members of the Senate the last time I was on a farm, was back when we had those victory gardens in World War II, and it was nice to see this little jewel come over before the Judiciary Committee.

If one were to take the Judiciary Committee, what that Bill did was established and give the farmers the right to fly their own sovereign flag. It just about took care of them, exempted them from every rule and every regulation, and every law in the State.

The Bill, as the good Senator from Penobscot, Senator Devoe, made mention of was worked very, very carefully, and as he stated,

a number of actions from various states were compared to what was before us. I heard of no opposition, absolutely none at all, to this particular Bill, and it seems to me this certainly should be a good working statute for farmers as a whole to have something on the statute for them. If they find it to be a problem in future years, it certainly would be a golden opportunity to come in and address any specific area within that statute.

Again, when I considered the original Bill as it came before us, it was a horror show, and would give everybody the frights.

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

Senator HICHENS: Mr. President, both of the previous speakers have intimated that this amendment is altogether different than the Bill. I don't see that it is that much different, but going back to section B, it reads "the farm operation means the condition of activity which occurs on a farm in connection with the commercial production of farm products, and includes but is not limited to noise, odors, dust, fumes, operation of machinery, and irrigation pumps, ground and aerial seeding, spraying and disposal of manure, the application of chemical fertilizers, soil amendment, conditioners, and pesticides, and employment and use of labor."

As the good Senator from Penobscot has stated, I did put an amendment in to take care of aerial spraying. At the time that that was written up, I was more concerned with the spraying of Apple trees, or trees that you don't usually spray from the air, but can have a great deal of drift on a windy day.

As I explained to the Agricultural Committee when the Bill was heard, the second year that I had my farm, I planted quite a crop of beans. My neighbor went and sprayed his apple trees. The spray drifted over and killed all of my beans. There wasn't any trouble over the situation. I figured that was my hard luck not to know the spray might drift if he sprayed his apple trees at that time, but I can visualize the point now where next to the farm where I did live there's a mobile trailer park. Someday my son who runs the farm was out harrowing, day's like we had 2 or 3 weeks ago when the dust spread quite away. People hanging their clothes out, their youngsters out playing, and that dust would go over and cover that whole area. It's just too bad that they moved that close, but I don't think that the farmer should have that right to go out and have these practices all the time without any discretion. It's sad to say. I know some of the farmers in the State of Maine don't have that discretion. They say the Devil may care, and I'll do as I want.

I'm afraid that this Bill in law, which says they have the right to do anything they want to do whenever they want to do it is going much too far, and the fact that 20 other states may have this Bill, I presented the Bill about a month ago on obscenity, I have proof that 20 other states have that same law, but that didn't have any effect on the legislature as far as acceptance.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from York, Senator Hichens that LD 1599 be Indefinitely Postponed, please rise in their places to be counted.

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

The Chair would inquire of 2 or 3 Senators, who names I will not mention, how they intend to vote on this issue, they are in their seats and apparently not voting.

3 Senators having voted in the affirmative, and 24 Senators in the negative, the motion to Indefinitely Postpone does not Prevail.

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

AN ACT to Reform the Statutes Relating to Driving under the Influence of Intoxicating Liquor or Drugs. (H.P. 1585) L.D. 1681)

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

I rise to discuss this Bill with a little fear and trepidation. This has been a subject of much discussion about this Legislative Session, and it's a subject which certainly needs addressing. It's a real problem.

I'm a little concerned about the Bill that's before us. It not only, as a matter of interest, deals with drinking, driving under the influence, but it also talks about suspensions, driving under suspension, and what have you, which I think is again a laudable subject, but I don't quite see how it's pertinent to the Bill.

A couple of the things that bother me are some of the things that bothered me when we had the Deadly Force Bill before us. Again, as well intentioned as the Deadly Force Bill was, it seemed to me that it was a pretty drastic way of getting to a particular point. I'm concerned that this particular Bill is going to do the same thing.

One of the sections of the Bill is quite long, and I just want to raise a few questions about it so that we might think about it together. One of the questions says that if an officer has reason to think that you're driving under the influence, he can stop you, for whatever reason, and we have some pretty zealous law officers about, and he can say, in my opinion, you're driving under the influence; I'd like you to come with me to the incarceration place, and take a blood test or a breath test. You have the right to refuse, and if you do refuse, he can't take you, but then within a week you'll get from the Secretary of State, a suspension of your license. You're automatically guilty until proven innocent, and I find that a little bit paradoxical and a little different than I thought our Constitution, the way our legal system was supposed to work. I thought we were innocent until proven guilty, and from what I read of this Bill, you are guilty until, somehow, you can prove yourself innocent. That bothers me a bit.

It, also, bothers me that there are degrees involved in this particular subject, and of course, the worst degree is absolutely abominable, but the least degree is going to give you a Criminal Record, a Class D crime, by the way the good Senator from Penobscot, Senator Devoe, read to you a list of what the Class D crimes were sometime ago, and they are some pretty abominable crimes in there. I guess, OUI, in its worst case, certainly is, but I'm not thinking of its worst case. I'm thinking of some of the minor cases, if you won't fight me about the word "minor."

To be a Class D crime, to get a criminal record, and to automatically go to jail, seems to me a little heavy, especially when you start out on the premise that you're guilty until you can prove yourself innocent.

So, again, without getting into all the details of this Bill, I really am concerned about it, and I'm not sure that it's good Legislation, as well meaningful as it is, and I would ask for a Roll Call on its Enactment.

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

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

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

The pending question before the Senate is Enactment of LD 1681.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeeper will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Hichens, Huber, Kerry, McBreaity, Minkowsky, Najarian, O'Leary, Teague, Trafton, Trozky, Usher.

NAY—Ault, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Violette.

ABSENT—Wood.

A Roll Call was had.

22 Senators having voted in the affirmative, and 9 Senators in the negative, with 1 Senator being absent LD 1681, 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 Concerning the Regulation of Atlantic Salmon. (H.P. 474) (L.D. 538)

Emergency

AN ACT to Make Corrections of Errors and Inconsistencies in the Laws of Maine. (S.P. 649) (L.D. 1677)

These being emergency measures and having received the affirmative votes of 29 Members of the Senate, with No Senators having voted in the negative, were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

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

Communication

Committee on Appropriations and Financial Affairs

June 9, 1981

The Honorable Joseph Sewall
President of the Senate

State House

Augusta, Maine

Dear President Sewall:

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

Total number of bills received — 65

Unanimous reports — 56

Leave to Withdraw — 14

Ought Not to Pass — 13

Ought to Pass — 9

Ought to Pass as Amended — 17

Ought to Pass New Draft — 3

Divided Reports — 8

Held Over for Next Session — 1

Respectfully submitted,

S/DAVID G. HUBER

Senate Chairman

Which was Read and Ordered Placed on File.

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

Papers from the House

Non-concurrent Matter

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

In the Senate June 3, 1981, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as amended by House Amendments "B" (H-548) and "C" (H-551), in non-concurrence.

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

Senator O'LEARY: Mr. President, I now move we Recede and Concur.

The PRESIDENT: The Senator from Oxford, Senator O'Leary moves that the Senate Recede and Concur with the House.

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: Mr. President, I move that the Senate Recede from its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, moves that the Senate

Recede from its action whereby this Bill was Passed to be Engrossed.

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

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

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Emerson, that the Senate Recede from its action whereby this Bill Passed to be Engrossed, please rise in their places to be counted.

Possibly the Chair should explain, on the advice from its parliamentarian, that if the motion to Recede fails, the motion to Concur will not be in order.

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

27 Senators having voted in the affirmative, and 2 Senators having voted in the negative, the motion to Recede does prevail.

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

Senator EMERSON: I now present Senate Amendment "A" and move its adoption.

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

Senate Amendment "A" (S-338) Read.

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

Senator O'LEARY: Mr. President, I move the Indefinite Postponement of Senate Amendment "A". This does just exactly what the Minority Report requested in its Report on this Bill.

It would refer us to a study once more, a study that wasn't completed in the past 4 years, and I see no reason why it will be done in the next 2 years.

We have here before us, if we Recede and Concur, the House Amendment, which is acceptable to most of the people in the Lewiston/Auburn Area now, with one exception of one person in the delegation, as I understand it. If we pass Senate Amendment "A", we will just be Postponing the inevitable, and we will have a Maine Turnpike without any barrier system or anything else, because the study will not be done. I know the political pressures that can be applied.

I move the Indefinite Postponement of Senate Amendment "A".

The PRESIDENT: The Senator from Oxford, Senator O'Leary, moves that Senate Amendment "A" be Indefinitely Postponed.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, apparently the good Senator is using some type of a ploy at the present time in projecting that this study was supposed to be completed in the past 3 years since I put the Bill in, in 1977.

Let's set the Record very straight at this point. That study was not supposed to be completed until the bonds were paid off. I hope everyone understands that particular aspect of it, and the bonds are due to be paid off in 1983.

In so far as the Androscoggin Delegation, they agreed in principle, generally, to go along with the so-called House Amendment, but they're not in concurrence with them. Let me make that point clear, for those who don't understand what it's all about.

Thirdly, what we propose in Senator Emerson's Amendment is a very simple thing. We are simply saying, first, before we get into that aspect of it, let's just read a letter from, a portion of a letter from the Commissioner dated June 8 of this year.

It says, "under the current law, on various systems of the Turnpike, the Department of Transportation is required to go through a conversion program", understood, a conversion program, "in our study to the Legislature due in 1983." You're going to get that study anyway

in 1983.

We are required to show the cost of removing toll booths, repaying the federal investment, which is in the area of \$9 million. I don't think it's forgivable, and building new access facilities. The Turnpike will be operated under current law as a closed facility. I'll repeat that. The turnpike will be operated under law as a closed facility, until the monies from all other, all those costs have been raised. Then the work will be undertaken and completed in order to convert to the barrier system.

You're going to get that study. It was inevitable under existing law. Let's go back to Senator Emerson's Amendment. It simply says the timetable is a little different. The timetable now will be January 1, 1982. It's very clear, where it states, Legislative Approval. Again, for emphasis, Legislative Approval, Prior to January 1, 1982, the Commissioner of Transportation shall evaluate alternate toll systems for the Turnpike.

Instead of going towards a barrier system, which some people apparently object to. I don't think their objection is to the barrier system as much as it is to the existing union contracts. It then covers A the present closed system, which we are all concerned about. What is it going to produce? Nobody knows, at the present time, the amount of revenues that it's going to produce, under the closed system, when it goes to the Department of Transportation.

Secondly, the present closed system modified to include improved access and modified interchanges to encourage economic development. That may be our concern, for the Cities of Lewiston and Auburn. I assure you, the City of Portland, and all along that corridor, has similar concerns as we have raised, excepted we took the lead in this particular fight.

Number three, or C a barrier system. So you see, at the present time, what I'm bringing out in this Amendment that Senator Emerson has projected to you is we're just reducing the timetable from 1983 to 1982. In the name of equity and fair play, I can't see any deleterious effects from that.

If you want to refer to the other system, or to the so-called compromise amendment that everybody was supposed to be in concurrence with, the two points they stressed. This Amendment transfers the responsibility to determine the use of access toll revenues for both access roads and interchanges from the Turnpike to the Department of Transportation.

Let me assure you, Ladies and Gentlemen, under the existing law, it states very clearly that the authority shall become law, it states very clearly that the authority shall become dissolved and the Turnpike, its leases, rights, easements, franchises, lands and properties shall be the property of the State of Maine. Here's the point, and all revenues therein become payable to the Treasurer of the State of Maine for Turnpike Fund of the State of Maine. The turnpike shall thereafter remain maintained and operated by the State Department of Transportation.

So what are you saying about this Amendment that was Adopted in the other Branch? You already have it in existing law.

The second point, the Amendment also directs the Department to give priority for the use of revenues to construct a modification of existing interchanges, access roads to the Lewiston/Auburn area. You can't bind one Session of the Legislature down to that particular commitment. The postponements of that particular Amendment are fully cognizant of that.

Finally, why should we have to wait until 1985? In that particular Amendment that came forth from the House, the authority and the Department shall make every effort to begin construction and all modification of the interchanges by January 1, 1985. I'm saying we can have this thing all resolved in January 1, 1982. Doesn't that make a lot more sense, compared to this hoky-poky that's going on at the

present time, which is just a ploy?

I would hope, Mr. President and Members of the Senate, that we Adopt Senator Emerson's Amendment, and let this Bill move on to serve everybody along the corridor of the Maine Turnpike.

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

Senator USHER: Mr. President, a point of inquiry. Are we debating Senate Amendment 338, being proposed?

The PRESIDENT: The Chair would answer in the affirmative.

Senator USHER: I'd like to have the Chair rule, this is almost identical to the Minority Report which was rejected last week. I'd like to have the Chair rule on that.

The PRESIDENT: The Chair would advise the Senator that the Senate has never discussed the Minority Report. The vote was on the Majority Report only.

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

Senator O'LEARY: Mr. President, if we Accept Senate Amendment "A", we're going to be in non-concurrence with the other Body. We'll be right in the same position we are today, with a study that will not be done. I've heard hoky-poky, I've heard a ploy, and the other day it was a fiasco. Today, you heard the good Senator from Androscoggin say exactly what the Commissioner of the Department of Transportation is saying, that there will be a conversion program to a barrier system. Which means to the rest of us in the State of Maine, no free ride, no improvements in your highways, maintain the Maine Turnpike with a bare minimum, let it go down grade if necessary, because we'll fight any increase in barrier system tolls and everything else.

I heard the motion to Indefinitely Postpone the other night. I know where it came from. I've seen the switch in votes. I've seen the Amendment. The Amendment does everything the Lewiston/Auburn area wants. It should be enough. If it's already in the Bill, I don't see why the good Senator from Androscoggin is worried.

Mr. President, I think that if we are in non-concurrence with the other Body, this whole thing is dead, and we will have no tolls. We will not even have a barrier system. We will not have any study by 1983. I hope you will vote for the Indefinite Postponement of this Amendment.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, I don't know where the good Senator from Oxford is getting his information, but apparently he is not really tuned in to what I have been saying earlier about this entire issue. We're just reversing the timetable. Under existing law, we're saying that the study would be completed in 1983, allegedly after the payment of bonds were completed.

What we're saying in this Amendment that's being proposed this afternoon, at least for this Session of the Legislature, is we hear you, and we want to abide in good faith. We're saying now the study will be completed in January 1982. I don't see nothing wrong with that particular aspect of it. It makes very, very good sense to handle that particular manner.

In fact, if you want to be perfectly logical about it, there was no necessity for this Bill before us, none whatsoever. As we did in 1977, compromised to the point that we gave everything to everybody, and allowed I-95 to be constructed with all the five bridges across the system through Bangor, and everything else, to everybody else. What have we ever got out of it? There's a big difference. Ladies and Gentlemen of the Senate. We're talking of a road that was funded with private money, that was destined to be closed, and the law states very clearly, upon completion of those bonds. If

would be a toll-free road. I-95 was built with federal funds, 90 percent, and 10 percent State funds coming out of my community, also. If everybody here is concerned about industrial development and jobs, and paying off bonds for the students in the State of Maine, to keep them, and prevent the out-migration of youth, and help our industrial base, and help our tax base, and help our sales tax revenues. It would be ludicrous to actually deny this particular Bill at the present time. What's six months? It spells it very, very clearly, if it's not feasible and practical, we'll keep a closed system. If it's practical and feasible we'll find other alternatives.

Don't forget the most important aspect of this. That was simply when I was such a good samaritan then, over the objections of then Governor Longley, that I felt it was incumbent that the users pay for it. We were not then talking about sharing the excess revenues for other pet projects in other parts of the State of Maine. This is something new coming in to it at the present time. It's very, listen, that's the name of the game here. I accept it.

I'm saying, if you're going to get the bounty, at least give us a chance to study it. That's all this boils down to. That study was going to come forthwith one way or the other. We are just reducing the timetable to 1982.

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 Oxford, Senator O'Leary, that Senate Amendment "A" be Indefinitely Postponed, please rise in their places to be counted.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: While we're standing, 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 Oxford, Senator O'Leary, that the Senate Indefinitely Postpone Senate Amendment "A".

A Yes vote will be in favor of the Indefinite Postponement of Senate Amendment "A".

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Brown, Bustin, Carpenter, Charette, Collins, Devoe, Dutremble, Gill, Hichens, Kerry, McBrearty, Najarian, O'Leary, Perkins, Pray, Shute, Trotzky, Usher, Violette.

NAY—Ault, Clark, Conley, Emerson, Huber, Minkowsky, Pierce, Redmond, Sewall, C.; Sutton, Teague, Trafton.

ABSENT—Wood.

A Roll Call was had.

19 Senators having voted in the affirmative and 12 Senators in the negative, with 1 Senator being absent, the motion to Indefinitely Postpone Senate Amendment "A" does prevail.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, would it be proper to move that the Senate now Concur with the House?

The PRESIDENT: The Chair would answer in the affirmative.

Senator CONLEY: I'd move the Senate Concur.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate Concur with the House.

The Chair recognizes the Senator from An-

droscoggin, Senator Minkowsky.

Senator MINKOWSKY: I would ask for a Division.

The PRESIDENT: A Division has been requested.

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

22 Senators having voted in the affirmative, and 8 Senators having voted in the negative, the motion to Concur with the House does prevail.

Sent forthwith to the Engrossing Department.

Committee Report

House

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Concerning Homestead Tax Relief." (H.P. 1307) (L.D. 1512)

Reported that the same Ought to Pass in New Draft Under Same Title (H.P. 1625) (L.D. 1687)

Signed:

Senators:

WOOD of York

Representatives:

POST of Owl's Head

HAYDEN of Durham

HIGGINS of Portland

DAY of Westbrook

KILCOYNE of Gardiner

TWITCHELL of Norway

KANE of South Portland

INGRAHAM of Houlton

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

Signed:

Senators:

TEAGUE of Somerset

EMERSON of Penobscot

Representatives:

BROWN of Bethel

MASTERMAN of Milo

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "A" (H-552).

Which Reports were Read.

On motion by Senator Teague of Somerset, the Minority Ought Not to Pass Report of the Committee Accepted, in non-concurrence.

Sent down forthwith 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:

Kevin Albert, of Millinocket, Valedictorian of Stearns High School, Class of 1981. (H.P. 1630)

Scott Ingalls, Salutatorian of Stearns High School, Class of 1981. (H.P. 1631)

Beth Debernardi, of Portland, Valedictorian of Deering High School, Class of 1981. (H.P. 1632)

Camilla Nicholas, Stephanie Lundeen and Sherrie Weeks of Central Aroostook High School, chosen for the Pepsi All Aroostook All-Star Basketball Team for 1981. (H.P. 1633)

Patricia Lynn Daigle, daughter of Mr. and Mrs. Richard Daigle of Van Buren, Co-valedictorian of Van Buren District Secondary School, Class of 1981. (H.P. 1634)

Beth Ann Cormier, daughter of Mr. and Mrs. Richard Cormier of Van Buren, Salutatorian of Van Buren District Secondary School, Class of 1981. (H.P. 1635)

David John Lebel, son of Mrs. and Mrs. Omer Lebel of Van Buren, Co-valedictorian of Van Buren District Secondary School, Class of 1981. (H.P. 1636)

Toni Farrenkopf, of Bangor, who has been

named Athlete of the Year for 1980-81, at John Baptist Memorial High School. (H.P. 1637)

Sherri Weeks, of Central Aroostook High School, winner of the most Valuable Player Award for 1981, and member of Central Aroostook's State Championship basketball team. (H.P. 1638)

Michelle Hallett, of Central Aroostook High School, who has established a new state record for the mile and 2 mile run in track and field. (H.P. 1639)

Christopher Jon Delogu, of Portland, Valedictorian of Portland High School, Class of 1981. (H.P. 1640)

Deanna DeSimon, of Portland, Salutatorian of Portland High School, Class of 1981. (H.P. 1641)

Ed and Sis Manning, on their 25th anniversary as owners of the Shamrock Cafe. (H.P. 1642)

Mr. and Mrs. Abraham I. Passman, of Portland, on their 50th wedding anniversary, March 3, 1981. (H.P. 1643)

Pelle Lindbergh, Maine Mariner goaltender, who was selected as the 1981 American Hockey League Rookie of the Year and Most Valuable Player. (H.P. 1644)

Alfred N. Savignano, who is retiring after 31 years of distinguished service as a principal and teacher in Auburn. (H.P. 1645)

Gerald S. Alden, Sr., who is retiring after 31 years of distinguished service as a principal and teacher in Auburn. (H.P. 1646)

Amy Ashton, Marian Cook, Jean Curtis, Margery Dyer, Frances Fairfield, Bertrand Fernald, Lawrence "Doc" Hersom, Jessie Hosman, Dorothy Hunter, Richard Michaelson, Rose Mottram, Isabel Niles and Marjorie Wellman who are retiring after distinguished service as teachers in Auburn. (H.P. 1647)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Communication

Committee on Judiciary

June 9, 1981

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

Augusta, Maine

Dear President Sewall:

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

Total number of bills received in committee — 194

Unanimous Reports — 18
Ought to Pass — 18
Ought to Pass, Amended — 41
Ought to Pass in New Draft — 5
Ought to Pass in New Draft and New Title — 3

Ought Not to Pass — 22
Leave to Withdraw — 74
Divided — 30

Held for Study — 1

Recommitted Bill — held for study — 1
Respectfully submitted,
S/DANA C. DEVOE
Senate Chairman
Which was Read and Ordered Placed on File.

Committee Report

House

Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on, 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)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-553).

Comes from the House, the Bill Passed to be

Engrossed as amended by Committee Amendment "A".

Which Report was Read.

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

Senator COLLINS: Mr. President, this Collective Bargaining Contract contains one feature that I think ought to be observed as we pass it through our Legislative Process. It, for the first time, creates a major change in the handling of the State Retirement System.

I would have no objection to this if it were clear that all who are State employees, and all of the people in the Retirement System were going to be treated in the same way.

I do think we ought to be aware that if we pass this particular Bill, we will be bifurcating the Retirement System into at least two groups, perhaps more than that as time goes along.

The thrust of policy in the Retirement System in the seven years that I have been here has been to try to get greater uniformity and to avoid the fragmentations and special situations that make a system more difficult to operate, and tend to lead to inequities among different groups.

The feature, of course, here, we've read about. The State will take over the paying of the employee's share, and the employee can't take it out, as he could under prior practice, and as other State employees and people in the System will continue to be able to do. Under our modern system of computers, this isn't an impossible problem. Technically, I have investigated that at some length. I'm satisfied it can be done, without great disruption or expense.

We will have made some new policies. I comment the Administration on the overall effect, vis-a-vis the State Budget in this matter. I will say that since the matter has the Majority Report, and the endorsement of the other Body, that I do not feel this problem is big enough to try to wreck the contract.

I think we ought to be aware of it, and we ought to expect, in years to come, we'll have a whole flock of new problems in the Retirement System, because of this move on the part of the Governor.

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

Senator CONLEY: Mr. President and Members of the Senate, I listened attentively to the remarks made by the good Senator from Knox, Senator Collins, with respect to the ratification of this contract. I would point out to this Senate, that I believe it was in the last Session of the Legislature, when we passed Legislation that would allow some of the collective bargaining on the municipal governments to change contracts with respect to 20 year retirement, that those presently at that time, that were under 20 year contracts, obviously were, the community and the employees had to pay so much into the State Retirement System.

We allowed, through Enabling Legislation, to allow these various municipal districts to negotiate for 25 year retirement, for people within the same bargaining unit. That obviously made some difference with respect to the Retirement System within that separate collective bargaining unit. I think, at that time, it was a good move on the part of the Legislature. It allowed the municipalities to renegotiate contracts with respect to the 20 year retirement. It's my understanding that some municipalities have already, through negotiations, renegotiated that 20 year retirement period on to any one coming on board, as of that particular contract that was renewed, that those individuals hired from that point on, would be under the 25 year retirement period instead of the 20 year retirement period. So it's obvious that there is a difference and a distinction between the payment with respect to retirement within that bargaining unit and that municipality that's going to pay that.

There is, what I think, a precedent that has

been established. It was established by this Legislature in the past.

Which Report was Accepted, in concurrence. The Bill Read Once. Committee 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.

Sent forthwith to the Engrossing Department.

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

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

Papers from the House Joint Orders

Expressions of Legislative Sentiment recognizing:

Brian Kane, Lee Marquis, June LaRoche, Mary Woodman, Suzanne Powers, Susan Flynn, Nancy Rand and Katherine Penley of Auburn, who are among the top 10 students at Edward Little School, Class of 1981. (H.P. 1648)
Elizabeth Keene, daughter of Mr. and Mrs. Hugh W. Keene of Auburn, who is one of the top two students of Edward Little High School, Class of 1981. (H.P. 1649)

Christopher Scales, son of Mr. and Mrs. L. Damon Scales, of Auburn, who is one of the top two students of Edward Little High School, Class of 1981. (H.P. 1650)

Portland High School and Coach Fred James, upon winning their third consecutive State Class A Baseball Championship. (H.P. 1655)

Pamela Beal, of Old Orchard, Salutatorian of Old Orchard High School, Class of 1981. (H.P. 1656)

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

Senate Paper

Senator SUTTON of Oxford presented, Bill, "An Act to Clarify Exceptions Relating to Security Interests in Residences in Bankruptcy Cases." (S.P. 680)

(Approved by a Majority of the Legislative Council pursuant to Joint Rule 27.)

Reference to the Committee on Business Legislation suggested.

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

Senator SUTTON: It was with great reluctance that I agreed, after it was brought to my attention, that there were some technical difficulties with this Bill, that we're too late for the errors and inconsistencies report, that a new Bill be introduced. It was with great chagrin that I found out after that was done, that there was still a complication that is such that this Bill is not necessary, or at least not necessary right now. I apologize to the Senate and to the people of the State of Maine, and move its Indefinite Postponement.

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

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

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Oxford, Senator Sutton, that SP 680 be Indefinitely Postponed, please rise in their places to be counted.

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

The Chair is in doubt as to the position of the Senator from Penobscot, Senator Trotzky, on this issue, and would ask the Senator how he intends to vote.

24 Senators having voted in the affirmative, and 5 Senators having voted in the negative, the motion to Indefinitely Postpone SP 680 does prevail.

Sent down forthwith for concurrence.

Order

An Expression of Legislative Sentiment recognizing:

The Maranacook Black Bears' Track Team and Coach Stan Cowan, upon winning the 1981 Boys Class C State Championship in track and field.

presented to Senator AULT of Kennebec (Co-sponsor: Representative DAMREN of Belgrade).

Which was Read and Passed.

Sent down forthwith for concurrence.

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

Paper from the House Joint Resolution

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

JOINT RESOLUTION IN
SUPPORT OF EFFORTS TO RETURN
AMERICAN SERVICEMEN HELD IN VIETNAM

WHEREAS, the frustrations of war can frequently linger long after the conflict ceases; and

WHEREAS, a great many American families are faced with the daily frustration of uncertainty because family members are still listed as missing in action in Vietnam; and

WHEREAS, several organizations, both public and private, are working to confirm reports that American prisoners, and the bodies of American servicemen killed in action, have been sighted in Vietnam; and

WHEREAS, through the efforts of these groups and through a clear expression of public support it will be possible to achieve a reconciliation of the differences which have prevented the governments of Vietnam and the United States from bilaterally addressing this issue; now, therefore, be it

RESOLVED: That We, the Members of the 110th Legislature, on behalf of the people of Maine, hereby express our absolute support for, and encouragement of, the efforts being made to secure the release of American servicemen held as prisoners or missing in action in Vietnam.

(H.P. 1654)

Comes from the House, Read and Adopted.

Which was Read.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I don't want to let this Order go without just a comment, similar to the comments that were made in the other Body regarding this. The Vietnam War has been over for about 10 years now. We still have many people unaccounted for. We need the strong efforts of the Reagan Administration, or any subsequent administration, to get this accountability, so that families in this country can rest. Many of these people are dead. We know it. We who were there saw them die, because a medical man couldn't put his hand on them. They were declared MIA's and they're still being declared MIA's.

We need to push through our government to get the government of Vietnam, and the other countries who were involved in the Southeast Asian Conflict in the 1960's to come up with records of some sort, or bodies, or some means of identification, so that these men that died in Vietnam can finally be put to rest, and so that their families' minds can be finally put to rest.

I think that this Order will express on behalf of the State of Maine, a state that sent many of its sons and daughters to fight, and in many cases, died in Vietnam. It will put the State of Maine on Record as wanting this situation re-

solved.

Recently there has been a number of press reports of bodies, or live persons being seen, live Caucasians being seen in southeast Asia. I think it's really important that the Reagan Administration understand how strongly we feel. I think they do, but I think this is an expression of our sentiment, as the people of the State of Maine. I certainly hope the Order will pass.

Which was Adopted, in concurrence.

Joint Order

An Expression of Legislative Sentiment recognizing:

Kristin Dinsmore, of Portland, Salutatorian of Deering High School, Class of 1981. (H.P. 1657)

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

Joint Resolution

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of the Honorable Harry P. Glassman, of Portland, Associate Justice of the Maine Supreme Judicial Court. (H.P. 1651)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

Committee Report House

Divided Report

Nine Members of the Committee on Judiciary on, Bill, "An Act to Create a Board of Review of the Judiciary." (H.P. 1306) (L.D. 1511)

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

Signed:

Senators:

DEVOE of Penobscot
KERRY of York

Representatives:

LUND of Augusta
JOYCE of Portland
REEVES of Newport
DRINKWATER of Belfast
O'ROURKE of Camden
SOULE of Westbrook
LIVESAY of Brunswick

Three Members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass as amended by Committee Amendment "A" (H-554).

Signed:

Senator:

CONLEY of Cumberland

Representatives:

HOBBINS of Saco
BENOIT of South Portland

One Member of the same Committee on the same subject matter reported in Report "C" that the same Ought to Pass as amended by Committee Amendment "B" (H-555).

Signed:

Representative:

CARRIER of Westbrook

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

Which Reports were Read.

On motion by Senator Conley of Cumberland, the Majority Ought Not to Pass Report of the Committee Accepted, in non-concurrence.
Sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Concerning Probation for Certain Persons Convicted of Driving while Intoxicated." (H. P. 1184) (L. D. 1408)

Reported that the same Ought Not to Pass.

Signed:

Senators:

DEVOE of Penobscot

CONLEY of Cumberland

KERRY of York

Representatives:

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

CARRIER of Westbrook

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (H-556).

Signed:

Representatives:

HOBBINS of Saco
SOULE of Westport
BENOIT of South Portland

Comes from the House, the Majority Ought Not to Pass Report Read and Accepted.

Which Reports were Read.

On motion by Senator Devoe of Penobscot, the Majority Ought Not to Pass Report of the Committee Accepted, in concurrence.

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

(Senate at Ease)

The Senate called to order by the President.

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

Senator TROTZKY: Mr. President is LD 1673 in the possession of the Senate?

The PRESIDENT: The Chair would answer in the affirmative. The Bill, "An Act to Create the Public Advocate to Represent the Interests of Utility Customers." (H.P. 1578) (L.D. 1673) (Emergency) having been held at the Senator's request.

On motion by Senator Trotzky of Penobscot, the Senate voted to Reconsider its action whereby LD 1673 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.
Senator TROTZKY: Mr. President, I present Senate Amendment "A" (S-335) and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, offers Senate Amendment "A" to LD 1673 and moves its adoption.

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

Senator COLLINS: Mr. President, the amendment on my desk, is Senate Amendment "B", are we considering "A", or "B"?

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

Senator TROTZKY: There are going to be 2 amendments offered, we are now considering "A".

Senator Amendment "A" (S-335) Read.

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

Senator TROTZKY: Mr. President, this is just a technical amendment it just clarifies the funding mechanism for the Public Advocate, consistent with the explanation on the floor the other day.

Senate Amendment "A" Adopted.

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

Senator TROTZKY: Mr. President, I now present Senate Amendment "B" under filing number S-341 and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky offers Senate Amendment "B" to 1673 and moves its adoption.

Senate Amendment "B" (S-341) Read.

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

Senator TROTZKY: Mr. President, I would like to explain the amendment. All this amendment does is it says, "it is the intent of the Legislature that this Act not be interpreted as a competing measure." That means that the ini-

tiated referendum will go out alone and hopefully this Bill will be Enacted into law to protect the interests of Maine consumers.

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

Sent down forthwith for concurrence.

Orders of the Day

The President laid before the Senate:

Bill, "An Act to Place a Maximum Limit on the Inflation of Adjustment under the Worker's Compensation Act." (S. P. 281) (L. D. 789) tabled earlier in today's session, on motion by Senator Collins of Knox, pending Consideration.

On motion by Senator Sewall of Lincoln, the Senate voted to Recede from its action whereby the Bill was Passed to be Engrossed.

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

Senator SEWALL: Mr. President, I present Senate Amendment "A" under filing number S-340 and move its adoption, and would speak to my motion.

The PRESIDENT: The Senator from Lincoln, Senator Sewall offers Senate Amendment "A" under filing number S-340 and moves its adoption.

Senate Amendment "A" (S-340) Read.

The PRESIDENT: The Senator has the floor.

Senator SEWALL: Thank you, Mr. President. This is another amendment to the 5 percent cap bill, another chance for a compromise. This is a sensible middle ground, between the original 5 percent cap proposal and the House version.

Its basic features are as follows:

First, a waiting period before any employee is eligible for a benefit adjustment, that is, no adjustment until the fourth July first following the first benefit payment. Also, the waiting period is between 3 and 4 years, depending on the timing of the injury. This will give employees with short term disabilities an incentive to return to work.

Second, a five percent cap on adjustments for those less than 50 percent disabled, just like the House version.

Third, a 7 percent cap on adjustments for those who have been at least 50 percent disabled for more than 3 years. This would avoid hardship to those who have serious long-term disabilities.

Fourth, no restrictions on adjustments for dependents of deceased employees. Neither the waiting period nor the caps would apply. They'll receive adjustments in the same way they presently do.

What are the advantages of Senate Amendment "A"?

First, it will restore the predictability to reserving, thereby, reducing the overall costs of the system.

Second, it will provide meaningful relief to all Maine employers whether they are insured or self-insured.

Third, it will restore incentive to return to work, without imposing a hardship upon either injured employees or their dependents.

Finally, I'd just like to mention the system now is most unfair to employers. Even with the caps proposed in this amendment, Maine's law would be more generous than the laws in most states. Remember 35 states do not even have inflation adjustments at all.

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

Senator PRAY: Thank you, Mr. President. First of all, Mr. President, Members of the Senate, I'd like to correct one misleading statement by the Senator from Lincoln, in reference to the fact that other states, that Maine is the only state that has an inflation, so-called factor.

First of all, it is the only one who Legislatively has a formula device, but the majority of the states do have annual increases which are,

have consistently been adjusted on an annual basis requiring Legislative review, and as a matter of fact, it has been so consistent that it has happened almost continuously, at least, for the last 12 years on an annual basis, but we already have a factor built in. As a matter of fact, the formula, which we, in the State of Maine, has, as compared to some of the states, has been more conservative than those states, because some of their inflation adjustments have been at a greater percentage level than those of ours tied to the average wage increases in the State of Maine.

The basic opposition that I have to this Amendment is the fact that it has a cap to start with. Over the past several years, we've had a number of increases in wages to employees throughout the State, be they on minimum wage, or be they contract employers, unionized employees, who operate on a contract basis.

Supposedly there's going to be a change of direction of the economy of the country. The federal administration is doing what it can to handle the inflation, and the basic trend of the Legislature, in the State and other states, has been not as generous as it has been in the past several years dealing with employees.

There is, first of all, a basic trend, which has already been established, that the increases in average wages will not increase as it has in the past several years, including the last year where we just had over a 10 percent increase.

When one looks at the long-term effects of the adjustments which the insurance companies are proclaiming caused the high rates, we find that anybody who averages over several year period, comes up with a basic formula which will tell them how much money they have to have in reserve and how it will effect them in the long term cost.

The problem that we have, or that I face and see and have a great concern about is that nobody is looking at the long term concern about an employee who is injured. Once we establish some type of cap, we have adopted a basic philosophy which says to them that no matter how things are in the outside world, you are going to be limited. There are no attempts in this Session to address the premiums increases. There have been no attempts to put any type of cap on the insurance industry, and though I was told this morning by one particular individual who came up from Boston to be here today, because he had heard that Workers' Comp was going to be debated, an insurance individual, who informed me that his company is losing about 66¢ on a dollar dealing to Workers' Comp. For every dollar in premium, they're paying out \$1.66 in benefits.

When I asked him the exact figures, he found it again hard, just his comment was that benefits are too high. We're giving those people too much money to live upon.

Well, Workers' Comp. was formed with the intention of providing a program where neither the employer or the employee would be unduly put into a position of economic stress. The employer would be free of fault. The employer would have a compensation for an injury which was related to his employment and which would secure him until either he was better or if he was permanently disabled through the rest of his inflation factor, that that individual's capability of earnings over the future years of his projected life that he would live, would increase.

When we start deciding, in this Body here, that we're going to put a limit on how much that may have been, then I think we are treating him unfairly and unjustly, and particularly considering the fact that he has been injured in the course of earning a profit for his employer.

I would hope that we would not accept this amendment.

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

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

The PRESIDENT: The Senator may state his inquiry.

Senator DUTREMBLE: I understand that the original Bill had an 8 percent savings in the premiums, and that the House Amendment had a 2 to 4 percent savings. I was just wondering how much this amendment would, how much of a savings, in percentage, would it mean for the employer?

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

Senator SEWALL: Mr. President, I think over a long-term period, although I have not been given the exact figures, it will be better than 8 percent over the long-term period.

I would like to answer a few of the objections Senator Pray raised, and I think the problem is, if you want to look at what we're trying to address, the problem is over reserving, and insurance carriers can't predict the future inflation rates so we set in this automatic raising in a formula. They can't predict it.

If we came in and raised it every year, at least they would know what we're doing and be able to reserve, and that's the problem, and when we tried to go back to that kind of system, we got terrible opposition, so this is the compromise measure.

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

Senator PRAY: Mr. President, I have a statement here from the Superintendent of Insurance, Superintendent Briggs, and when asked, in reference to this comment, which was made on the fact sheet, he states, and I wish to have it in the record so that everybody clearly understands how the Superintendent feels about this, is that the analysis states that carriers are generally over reserved to be on the safe side.

Historically, though, companies have been having under reserving, not over reserving, and rates have increased because of benefit changes, not because of reserving practices.

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

Senator SEWALL: Thank you, Mr. President. That being the case, if they're under reserving, and our rates are proposturous now, imagine what they'd do if they really did over reserve more.

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

Senator PRAY: Mr. President, I realize that, perhaps, the Majority of the members of this Chamber know exactly how they're going to vote, so the debate that's going on is basically rhetoric for the Record as to where individuals stand, and philosophically how they feel, but I have tried throughout the, my feelings of Workers' Comp to represent my constituency, the people who have elected to send me down here and their concerns about Workers' Comp.

Any issue that we have before us, of course, has the various diversified interest, people who are on different sides of the issue, because it relates to them and effects them in different manners.

One thing which I've attempted to do is remain a little consistent throughout the debate as to my concern and my reservations about particular Amendments and Bills going through.

One moment we have a comment being made that the insurance companies are over reserving, and when I read the statement from Superintendent Briggs, immediately the response is the fact that just think if we were over reserving as to how bad off we would be doing in this instant.

The question becomes, now, as to rather or not who is going to pay the price of the problem at hand, and time and time again I see the response to be the injured employee, not the working men and women of this State, who are fortunate not having accidents, but those who for some reason in the course of their employment they are hurt.

In most instances they are found to be unsafe working conditions. Other instances, dangerous equipment, as a matter of fact, which is reflected in the different profession which people in this State are so employed by. Those are the more dangerous industries in employment. They're rates are higher.

At this time, we're taking an adjustment upon what employees can receive. We do not address the issues of those high dangerous industries. We do not, at this time, put any attention or address to the situation of cleaning up the working conditions. As a matter of fact, the trend on the federal level is more or less in the opposite direction by less governmental involvement, or perhaps, the abolishment of OSCAR completely in the short-term.

The issue, I think, as we vote here today on it, is going to be as to whether or not this is the solution to the problem, to the rates, and to the amount of money that the rates have increased over the last several years, which has brought this to the forefront.

The Senator from York, Senator Dutremble, raised a question as to how much money this amendment saves. It is also my understanding from the Superintendent of Insurance that this proposal does not save as much money as the proposal which we had from the House just a few days ago, and this Senate rejected.

If we are concerned with saving dollars and rates to the employers of this State, then we are taking a compromise proposal perhaps, in the name we're trying to grab who can take credit for presenting the last of the best proposals.

Throughout this session we've AIM, the insurance lobby, the AFL-CIO, and the Chamber of Commerce, and number of other organizations up here on different sides, and the last couple of days I have seen the division of even these groups on the various issues. The insurance company is no longer in agreement with AIM. AIM is no longer in agreement with the insurance industry. It's coming down to a question as who's going to be asked to pay the price to try to solve this problem.

Well, in compromise proposals, I think, we try to address the fairness of all. We try to take into consideration all the individuals that have some minor or major role in this issue.

Again, I see one individual continuously being asked to pay the price with no consideration. We have frozen in the increase in the benefits level at 166 percent, which basically effects people in my district, the people in the laborers in the higher income bracket, usually paper workers, mill workers. They're the ones that pay the majority of the taxes in this State, because they earn some darn good money, and we're lucky we have the employers in this State that make in the profits and can afford to pay those wages.

In consideration of those industries, and I look at some of the various small industries in this State, their rate, though higher than some other states, there are economic factors why they exist in Maine, and why they continue to exist in Maine, and they will continue to exist in Maine, no matter what this Chamber does here today.

If the underlying concern of us in this Chamber is to give the employer the relief which he needs, then it is not this proposal being offered at this time. The proposal we had a few days ago saved more money than this proposal does, and if we want to give these individuals some type of relief, then that's the compromise proposal that we should be accepting.

The PRESIDENT: The Chair understands that the Senator from Lincoln, Senator Sewall requests Leave of the Senate to speak a fourth time.

Is there objection?

The Senator has the floor.

Senator SEWALL: Thank you. Would the good Senator, Senator Pray please explain to me, how he calculated that this amendment

would save less than the other amendment, the House Amendment, presented a few days ago? He has stated that and I would like to know exactly how he calculated it.

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

Is there objection?

The Senator has the floor.

Senator PRAY: Mr. President and Members of the Senate, I did not calculate it, it is the information that we got from the Superintendent of Insurance.

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

Senator SUTTON: Mr. President and Members of the Senate, we haven't got much time left, I do not think. We came down here with one of the most pressing problems to face the legislature in a long time, and that is Workers' Compensation, and we are about to go home, having done nothing.

I am not very pleased about that and I do not think that anybody else is going to be very pleased about that. The issue, I guess, that the good Senator from Penobscot, Senator Pray, was talking about would have saved a little more money the other day is the State fund, and if not I am not sure what it was, but if that was the case, I would certainly question that.

One of the problems that fuel the inflation of our country and has got us in the problem that we have got right now, has been the automatic raises that labor has been able to negotiate over the past years. It is just like trying to put a fire out with a gasoline.

We are not insensitive to the needs of the injured employee. The constant rhetoric indicating that we are not so. We have already put a 4 percent cap on the State's employees, and they are reviewed on a yearly basis.

I believe that the Senator from Penobscot, indicated that the other states do not have automatic raises, but they are reviewed. I think that if we are going to do something that that is the way to do it.

This isn't a complete solution, but ladies and gentlemen there are only two things left, that we can do that could really be meaningful, one of them is to put some kind of a cap, and by the way, this is a very minimal thing that we are talking about right now, the whole body of the Bill has been, and its real implications have been stripped and compromised appreciably, but it is a step. Some type of cap and something as far as lawyers fees are concerned. If we do not come out of this Legislature by doing something in both those areas, we are going to have left this Legislature without doing anything as far as the problem of Workers' Compensation is concerned.

Regardless of the position of the insurance companies, and I do not hold with all of the positions of the insurance companies you can't take away the fact that our Workers' Compensation Laws are the most liberal, not withstanding one of two in the United States. So certainly we have not been insensitive to the needs of the employees, and we aren't now, all we are saying is, that enough is enough.

Let's try to bring the thing a little bit into perspective, and 5 percent is certainly modest enough and for those severely injured 7 percent, hopefully will not be inflationary, and putting more gasoline on the fire.

We have one opportunity left, in these waning moments, and I would implore you, honestly in my opinion, management fighting labor, and labor fighting management. If we do not have an economic environment that is conducive to both labor and management all we talk about now is going to be rhetoric because we are not going to have the jobs, because we are not going to have the businesses.

I think that our aim is the same, we are varying some on the means, and I really would implore you to look at some meaningful legislation in this regard and help us to pass,

just a few of these items before we quit. Thank you.

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

Senator DUTREMBLE: Mr. President, Ladies and Gentlemen of the Senate, I would like, I think, that the amendment that Senator Pray was talking about, was the amendment that dealt with the 5 percent cap, the House version, which would have placed a 5 percent cap on people injured during the first 3 years, and people injured 3 years or more would not have had a cap. The long-term disabilities can't afford to be losing out year after year on their adjustment.

If I understand this amendment, what the amendment does is people injured for the first 3 years get no adjustment at all. Then after the first 3 years, they get 5 percent, or 7 percent depending on permanent disability or over 50 percent.

What I want to stress here is the fact that I understand and lot of people on the Labor Committee understood, that there were a lot of problems with the Workers' Compensation Programs. And a lot of those problems dealt with the costs that the employers have to pay.

The adjustment for the benefits were not the only reasons for the high costs. The medical costs and the attorney's fee, other inflationary factors had a lot to do with the high costs of these premiums to the Workers' Compensation Program. What we have to be careful of here, is that while trying to solve these problems of the high costs, that we do not just take into consideration the worker, the injured workers, and making him pay for the brunt of the whole thing. I think, that what we are doing here, with this amendment is exactly that.

I think that everybody was willing to compromise in this particular issue, but when you are talking about an original bill, that would have an 8 percent costs savings, and you are going up on it, I can't see where that is much of a compromise at all. I think that this is taking away a lot more from the worker, unless I misunderstand the amendment.

I would like to make the motion that we Indefinitely Postpone this amendment.

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

Senator SUTTON: Just one more word in this regard.

This poor worker that you are talking about, is going to be getting two-thirds of the average weekly wage of the State of 166 percent which ever is higher. You know this isn't all bad. It is not like he is not getting anything and the average weekly wage is going up all the time.

By the way, the House Amendment did really gut the Bill, because it did not leave the insurance companies with any way of predicting the reserving situation, and would have probably saved 1 to 3 percent. This amendment does save according to the Council of Compensation Insurance, an estimated 5½ to 8½ percent.

Remember these folks that we're talking about, it is not like they are not getting anything. You're right, and that won't be for the first 3 years, they won't be getting any adjustment more than what the average weekly wage may push them up, but they are getting two-thirds of the average weekly wage in the State, which has been going up on a regular basis, up to 166½ percent.

Don't wash it away, make a little bit of meaningful correction to our Workers' Compensation Laws.

The PRESIDENT: The Chair understands that the Senator from Penobscot, Senator Pray requests Leave of the Senate to speak a fourth time.

Is there objection?

The Senator has the floor.

Senator PRAY: Mr. President, I understand that the motion now is to Indefinitely Postpone, a new motion correct?

The PRESIDENT: The Senator is absolutely

correct.

The Senator has the floor.

Senator PRAY: Thank you, Mr. President. Mr. President and Members of the Senate, I have listened here to the remarks of the Senator from Oxford, Senator Sutton, which I think, although not incorrect is a little bit misleading. There were concerns that I have is the fact that I came away with the impression after he got done talking that individuals in this State are going to receive 166 percent of average State wages.

First of all, the average State wages at this point and time, is \$220. an individual who earns that wage, is hurt in the course of this employment is going to earn two-thirds of that or \$146. Not 166 percent of the \$220.

I want you to first of all, to clearly understand that. We talk about an individual who is on minimum wage, and he is earning \$134 and he is going to earn two-thirds of that \$134, if that is what his wages are.

The good Senator from Oxford, Senator Sutton remarked that because of the increases in the average wage, there is a certain amount of uncertainty and it provides for difficulties for the insurance company to be able to adjust accurate reserves, well again being just a common laymen, not really understanding these things, I turned to the Superintendent of Insurance, and then got an answer in reference to the statement that is being made. The Superintendent of Insurance states, that the inflation adjustment provision may make accurate reserving by insurance carriers more difficult but it doesn't make the accurate reserving impossible as stated, in the analysis that was handed around this morning or just related to us the the Senator from Oxford, Senator Sutton just a moment ago.

Who does the cap effect? We do not talk about capping premiums. We do not talk about capping any other adjustments except for those being made to the workers.

The Senator from Oxford, stood up here, a few moments ago, and said that here we are in the final moments of the Session, as we are going to go away without doing anything, on a very complex problem facing this State. That is not true at all. There have been some compromises reached. There is a study order, which is on the table at this moment, to have the Commissioner of the Workers' Comp to look into occupational diseases which would have been a new parties concerned that it is something that perhaps the fund can't afford at this time, but that should be looked into, and have a report come back to the Legislature and we can then make that determination, and decision.

There has been an agreement upon freezing the benefit level at 166½ percent for those individuals who make more than the average State wage. Instead of going too, as this Legislature, this Chamber and the House as well in previous Session had agreed to allow it to go to 200 percent as of July 1st of this year. So there again there has been a little bit of action taken out of this Session to address this concern.

There has been an offer a proposal, a compromise proposal from the original position of some of those who were not in favor of a cap, which was presented last week. Today was the first day, day 99 of the Session, which I saw a counter proposal coming from the Republican members of this Chamber, and here we are and still in the 99 day discussing it.

At least the other one was around for a while, we had an opportunity to weigh what it would do.

I think, that in my statements earlier in reference to what other states do, perhaps should have a little bit of clarification, and for that reason again, I would like to turn to the expert and quote the Superintendent of Insurance, Superintendent Briggs, on his remarks as to who other states adjust Workers' Comp. This is referring to the sheet which the Senator from

Lincoln. Senator Sewall has passed around earlier this morning, of which the third paragraph, she stated that 35 states do not have inflation adjustments at all. Superintendent Briggs, says that this is misleading in that most states have automatic adjustments for new claims and benefits, and can have benefit increases periodically through and by Legislation.

I would just hope that this Chamber would not go through at this time with a cap of 7 percent. My major opposition, at this time, is the cap of 7 percent for those who are injured 50 percent, long-term or permanently disabled, in this State. Those are the people who are going to be hurt the worst. If we are talking about somebody who is in his late twenties and is injured and can no longer go back to work we have some vocational programs, and some other programs to put people back to work. We're encouraging companies to hire people back through other types of employment, without undue hardship upon business or industry.

If we put a cap upon those people who are hurt, and can not return in the long term, we are going to force them upon the welfare rolls of this State. I think that would be a crime and a shame for this Chamber to do that.

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

Senator SUTTON: Thank you, Mr. President. Ladies and Gentlemen of the Senate, we are going back, starting over the same ground we already covered. I certainly urge you to vote against the Indefinite Postponement, and I ask for a Roll Call.

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

Senator DUTREMBLE: Mr. President, Ladies and Gentlemen of the Senate, I just want to stress one more thing. That Bill we had before us a few days ago with the 5 percent was the closest thing to the original Bill that the people who wanted this in the first place put in. At that time, the 5 percent involved 100 percent of all injured workers.

The House Amendment took care of 95 to 99 percent of all injured workers, let aside those who were injured over a long period of time. At that time, we denied the employers the savings that they could have had on their cost by refusing that Bill and sending it back to the House.

The only difference between that Bill and this Bill here is that this Bill here does not take into consideration the injured workers.

The PRESIDENT: Is the Senate ready for the question?

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

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

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

The pending question before the Senate is the motion by the Senator from York, Senator Dutremble, that Senate Amendment "A" be Indefinitely Postponed.

A Yes vote will be in favor of the Indefinite Postponement of Senate Amendment "A".

A No vote will be opposed.

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

ROLL CALL

YEA—Bustin, Charette, Conley, Dutremble, Kerry, Minkowsky, Najarian, O'Leary, Pray, Shute, Trafton, Usher, Violette.

NAY—Ault, Brown, Carpenter, Clark, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBrearty, Perkins, Pierce, Redmond, Sewall, C.; Sutton, Teague, Trotzky.

ABSENT—Wood.

A Roll Call was had.

13 Senators having voted in the affirmative and 18 Senators in the negative, with 1 Senator being absent, the motion to Indefinitely Post-

pone Senate Amendment "A" does not prevail. Senate Amendment "A" Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

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

(Off Record Remarks)

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

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

Recess

After Recess

The Senate called to order by the President.

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

Communication Senate Chamber President's Office

June 5, 1981

Honorable May M. Ross
Secretary of the Senate
State House
Augusta, ME 04333
Dear Madam Secretary:

I am pleased to authorize and direct you to serve on a full-time basis when the Legislature is not in regular or special session, as provided in Section 22 of Title 3 of the Maine Revised Statutes Annotated, for the 110th Maine Legislature.

Sincerely,
S/JOSEPH SEWALL

Which was Read and Ordered Placed on File.

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

Papers from the House Joint Orders

Expressions of Legislative Sentiment recognizing:

John Romkey, class of 1981, Bangor High School, who was awarded the Charles E. French Medal, given annually to the four seniors with the highest grade-point averages. (H.P. 1658)

Jennifer Lown, class of 1981, Bangor High School, who was awarded the Charles E. French Medal, given annually to the four seniors with the highest grade-point averages. (H.P. 1659)

Janet Craig, class of 1981, Bangor High School, who was awarded the Charles E. French Medal, given annually to the four seniors with the highest grade-point averages. (H.P. 1665)

Stephen Nadeau, class of 1981, Bangor High School, who was awarded the Charles E. French Medal, given annually to the four seniors with the highest grade-point averages. (H.P. 1666)

Bernard E. Littlefield, of Hampden Highlands, Valedictorian of Hampden Academy, class of 1981. (H.P. 1667)

Jeffrey Garneau, of Hampden, Salutatorian of Hampden Academy, class of 1981. (H.P. 1668)

Major General Robert A. Rushworth, of Madison, America's second winged astronaut and noted space exploration pioneer, upon his retirement from the United States Air Force. (H.P. 1661)

Agnes B. Abrahamson, head and assistant librarian, Falmouth Memorial Library for 30 years, on the occasion of her retirement. (H.P.

1662)

Joseph E. Buckley, Jr., Falmouth Superintendent of Schools, 1976-1981. (H.P. 1663)

Jeannine Irwin, class of 1981, Bangor High School, who was awarded the Charles E. France Medal, given annually to the four seniors with the highest grade-point averages. (H.P. 1664)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Committee Report House Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Fund the Highway Allocation Act for Fiscal Years 1981-82 and 1982-83." (Emergency) (H. P. 1653)

Reported that the same Ought to Pass pursuant to Joint Order (H. P. 1619).

Signed:

Senator:

WOOD of York

Representatives:

POST of Owl's Head
HAYDEN of Durham
KILCOYNE of Gardiner
TWITCHELL of Norway
KANE of South Portland
HIGGINS of Portland

The Minority of the same Committee on Bill, "An Act to Create a Fuel Efficiency Adjustment Program and Other Highway Revenue Adjustments." (Emergency) (H.P. 1652)

Reported that the same Ought to Pass pursuant to Joint Order (H.P. 1619)

Signed:

Senators:

TEAGUE of Somerset
EMERSON of Penobscot

Representatives:

INGRAHAM of Houlton
DAY of Westbrook
MASTERMAN of Milo
BROWN of Bethel

Comes from the House, the Majority report Read and Accepted and the Bill, (H.P. 1653) Passed to be Engrossed.

Which Reports were Read.

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

Senator COLLINS: Mr. President and Members of the Senate, when this matter came before the other Body earlier today, the Majority Party in that Body had the courtesy to permit the Minority version to come up first for vote. I would like to extend that same courtesy here to the Administration's new Highway Funding Program.

I, therefore, move Passage of the Majority Ought to Pass Report. I shall be voting against that Report. I'm requesting a Roll Call. I think that at this late hour we have, at last, a completely funded program, but one that I think takes too much money away from the General Fund, one which does not adequately assess the users of our roads who come from out-of-state, and one which too greatly penalizes Maine citizens.

I hope, therefore, that you will vote against the Acceptance of this Majority Report.

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

Senator PRAY: Mr. President and Members of the Senate, first of all I want to thank, although I don't know if I really mean it, the good majority Floor Leader the courtesy of allowing the Majority Report to be voted on first. I have some problems with both Reports. I realize that we are late in the Session, and in the spirit of compromise, the question is whether or not either one would be Accepted.

Speaking of the action of the other Body, which the good Majority Floor Leader has done, I can quickly see that we're going to be at odds again, no matter what or how either issue is voted on here today. I, in no way, can find it

acceptable to myself that \$10 million comes out of the General Fund, as proposed in the Majority Report. Neither can I accept the, or I have some grave reservations and some questions which I'd like to raise when we come to the Minority Report, and the proposal that's being offered by, basically, the Republican members of the Committee on Taxation.

To look down the road in these final days and few hours that we have left, I have some concerns as to what we're going to gain out of the act which is going to take place at this time, with a Roll Call on this action. I am very familiar with the position of members of my caucus. I speak as the Senator from Penobscot, Senate District 30, and my concern about the proposals.

I have grave concerns and reservations about the conditions of the highway system throughout the State, most particularly those in the northern part of the State. Time and time again, when I look through the Allocation Act, and I looked at the programs that are being funded for each year, seemingly the majority of the money is left void in the northern part of the State. I think there is a great concern there. That will not be solved in this Bill, on either proposal that's here.

The question as to where we go from here, I think, is still going to be answered. I honestly don't think that we're going to solve it with the political maneuvering that is going to take place at this moment.

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

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

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

The pending question before the Senate is the motion by the Senator from Knox, Senator Collins to Accept the Majority Ought to Pass Report of the Committee.

A Yes vote will be in favor of the motion to Accept the Majority Ought to Pass 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—Bustin, Charette.

NAY—Ault, Brown, Carpenter, Clark, Collins, Conley, Devoe, Dutremble, Gill, Hichens, Huber, Kerry, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Usher, Violette, The President J. Sewall.

ABSENT—Emerson, Wood.

A Roll Call was had.

2 Senators having voted in the affirmative and 29 Senators in the negative, with 2 Senators being absent, the motion to Accept the Majority Ought to Pass Report of the Committee does not prevail.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: The good Senator from Penobscot, Senator Emerson, Chairman of the Committee of Transportation, had planned to offer the motion that will now be offered. He is momentarily detained, and I will offer the motion that we Adopt the Minority Report as set forth in the Supplement Number 18.

If I may speak to that motion briefly, this, of course, is the version of a complete funding of the Highway Allocation Act that the Senate Enacted earlier, which includes a 2 cent increase in the Gas Tax.

The average family, I am told, uses about 800 gallons of gasoline per year. An increase of 2 cents in gas would be about \$16 per year. Without this tax, in my judgement, we are just certain to have more potholes, and less snow

removal. This will require more repairs to cars. Who, these days, can get repairs at a garage for less than \$30?

I think that this is the kind of program that really is going to help all kinds of Maine citizens, rich, poor, and in the middle, anywhere. Most of the repair places that I go to these days are charging \$15 to \$20 per hour, and you don't get anything less than an hour, in your labor charge, for anything. On top of that, there are parts.

I just know that with the proliferation of smaller cars, and cars that are not as solidly built as perhaps some in the past, that we're going to have more repair bills if we don't keep up our highway program.

The Senator from Penobscot, Senator Emerson, has arrived, and I'm sure will want to tell us a little bit more about the content of this version of the Report. I would like at this time to yield the floor to him, and perhaps offer a little more later. Thank you.

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

Senator EMERSON: Would somebody else talk a while, until I find out where I'm at.

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

Senator COLLINS: I have been among those who, in years past, have been critical of the Department of Transportation, when I see too many bodies around the orange trucks, some of them not working too hard. As I have studied the problem that we have had to face these last two years, I am convinced that the Department of Transportation has increased its efficiency in these last few years. The number of employees has been decreased by more than 1000 people, since its high point. When you measure the number of employees, of course, you have to look at the season. There are obviously more at certain seasons than others.

A little more than a year ago, the Legislature insisted, before it would pass a Highway Funding program, that there be an efficiency study done by a firm of experts. The firm was retained I think it was the firm of Ernst and Whinney, an outstanding accounting firm and a group that includes efficiency experts in every department.

Their report indicated that there was very little more that could be done to improve the efficiency of the Department. There were a few things that if we stop and think of what occurs all through State government, and what occurs in any large organization, maybe it's the telephone company, or the Central Maine Power Company, that we know that there is some degree of inefficiency. There is some wasted time.

If we were to be able to energize and discipline our managers and our supervisors so that they obtained from the work force of the Department of Transportation, every last degree of work that they're capable of, in my judgement, it's doubtful if we could save much over half a million dollars, possibly a million, but obviously nowhere near the amount of money the Department needs to maintain our \$4 billion investment.

Sometimes, when I get to thinking about all this, I have to pinch myself because I wonder if sometimes if I'm not in the middle of a fantasy, like the Musical Brigadoon. One of the leprechauns came to tell me, as I was dreaming about this the other night, that if anyone kissed the Blarney Stone a few times and then repeated a certain incantation, after a while, they'd get to believe that incantation. I just wonder if that's been going on in the high echelons of our State government here.

Regardless of what the fantasy may be, we have to come down to realities. I think we know that further cuts in the Department of Transportation Budget are simply going to result in more potholes, less snow plow, less safety, and bigger mechanical repair bills for Maine citizens.

Inflation hits the DOT like anything else. When we try to keep up with that inflation, only by raising driver and registration and similar fees, we put the entire burden on Maine citizens. When we throw some of these increases on the Gas Tax, we have out-of-state interests helping us pay the load. This seems only fair, because they are using our roads.

Maine's present Gas Tax is 9 percent per gallon. Vermont's is 11 cents. New Hampshire has just voted a 3 cent increase effective July 1, which will then make the New Hampshire rate 14 cents per gallon. I suggest to the Senate that all of these facts are important reasons for Enacting the program that the Senator from Penobscot, Senator Emerson, has put together. I hope that we can see it that way this evening, and send the word out to the rest of State government.

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

Senator EMERSON: Mr. President, Ladies and Gentlemen, I apologize for not being here when this Bill was being discussed originally. Our Allocation Act is about \$187 million. When we take the dedicated revenues from that, we have shortfall of about \$44 million for the biennium.

We have some bills in the pipeline. We have a bill tabled in the Senate here which will bring in about \$11 million. We have the revised estimates from the Motor Vehicle Department, which were revised upward by \$5 million. When we put these things all together, we have a shortfall and a need of additional revenues of about \$18.5 million.

The package which we have put together would have a Gas Tax of 2 cents, which would be imposed on January 1, 1982. That's a major source of money. We would, in this proposal, reinstate the license fees, which were sunsetted March 1, that would bring in about \$3.2 million. We would ask for a 10 percent increase in truck registrations, which would bring in about \$1.9 million.

We were asking for additional money from the General Fund of \$400,000, which would be a total from the General Fund of \$2.4 million.

This is basically the program that has been put together. We would, also, have credit to the people who paid, I noticed lights coming on scene and I hope this means something good. We would credit the people who bought their license between July 1980 and March 1981. We would give them a credit the next time they bought a license, of the difference.

This is a proposal that you put together. If this is accepted, I have an amendment which would change that somewhat, in that there seemed to be an agreement a while ago that it would be better to start this additional revenue, tax increase, or fee increase, or efficiency adjustment program, or premium, or whatever you call it, you better start in July 1. If we did start it July 1, then we would not need to take, to increase the drivers' license fees, or we would need to increase truck registrations.

If this Report is Accepted, I shall try to amend it later. Thank you.

The PRESIDENT: Is that Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate, I've been very concerned about this problem of highway financing for some time now. Perhaps I have not taken upon me the responsibility that I should have by looking into the various projected programs for the northern part of the State of Maine. The first, present problem is just, I've begun to look into what this Department, which feels it's short of financing, is purporting to do in my area of the State.

Presently, Aroostook County has about 9 percent of the population of the State of Maine. This Transportation Improvement Program here will spend about 3.5 percent of all its

monies in Aroostook County.

Rural areas, I feel, under this present Highway Allocation Budget, will suffer. The northern part of the State of Maine will suffer with respect to the southern part of the State of Maine. The Transportation Improvement Program is a farce. In my opinion, this Administration seems little concerned over the problems of the transportation system in northern rural Maine.

While Aroostook County continues to lose population and industry, it's no wonder, there are no major roads in Aroostook County. The ones that exist are not being repaired, let alone replaced. I'm concerned about an area of the State that is literally dying. No one gives one iota about this.

This package just justifies my feelings. Why should I vote to increase the gas tax, and add an additional burden upon my constituents, when that money that's going to be raised by the people who work in Aroostook County is just going to flow right out of Aroostook County and be spent for all of these programs to beautify the roads in the southern part of the State of Maine. Who knows, maybe they'll build another divided highway from Augusta to Portland. They've already got two.

Until this Administration and that Department is going to prove to me that they're concerned about the people of Aroostook County and northern Maine, I am not going to vote to fund or find any additional monies for that Department, because they sure as heck aren't going to go in my area.

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

Senator PRAY: Mr. President, I'd like to pose a few questions through the Chair to the good Senator from Penobscot, Senator Emerson, so I clearly understand what we're voting on. I'll try to go through my questions slowly so that he can answer them at one time.

First of all, in Section 10 of the Bill, it's my understanding that the State Tax Assessor, with assistance from the Office of Energy Resources, and the Secretary of State will annually be making this formula which is later on explained in the Bill. First of all, my first concern is the administration cost to finding out what the basic average per mile is. Seemingly the good Senator from Knox, Senator Collins, has already mentioned that one firm has been contacted and did a preliminary study done. I'm wondering if there's an on going administration cost to do this. Is it already in the computer systems, the State computer systems so that this can be adjusted on an annual basis? That's the first question.

My second question, it's my understanding that what we would be voting on if we voted for this is not a one time tax increase, but is a tax increase which will go on, and on, and on, and on, as long as automobile efficiency changes. If that is so, then basically we're taking out of the hands of the Legislature at this time, as I see no necessity for Legislative approval for future increases in here. I'd like to clearly understand if that's as to whether or not that's what we're doing. In other words, we'd be passing this responsibility onto the bureaucrats.

Third question relates to the multiplier of the .661 times the average miles per gallon. It is my understanding that there is legislation pending in Washington at this time, which would lift the guideline provisions on automobile improvement to American-made automobiles. In addition to that, the federal administration is applying pressure to imports, to limit the number of automobiles which got us on this road of fuel efficiency in the first place. This basically is going to reflect about a \$1000 increase in the import automobiles.

If these combined factors of the Reagan Administration, lifting the guideline provisions on improved gas mileage on American-made cars, and export cars are going to be limited in access, both financially and numerically to the

American people, and in this instance, particularly the people of the State of Maine, how would this affect the formula in years down the road?

I guess at this time not to put too many questions forth at one time, since there has been a study, do we at this time have what, in the State of Maine, would be the average miles per gallon of the vehicles that we have operating in the State?

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed several questions through the Chair.

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: Mr. President, I think I've forgotten the first question by now, but there is the Office of Energy Resources had figures on the average mileage, on the average mileage that cars get. I believe there probably would be some extra costs, but I believe they and the Tax Department can do this, without a lot of extra costs, because they already know how much average mileage the cars are going to get, I don't know how long ahead, but for a few years.

As far as the 66 mils per mile, as you probably know, the cars in 1975 got approximately 13 miles a gallon. They paid a 9 cent Gas Tax at that time. Now cars get around 17 miles a gallon, and you still pay the 9 cent Gas Tax. So that translates into, if you use those figures, at about an 11 cent rate at this time.

As far as cars getting more efficient, and as far as people in Maine not being able to afford cars and this type of thing, I don't have any answer for that.

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

Senator PRAY: Thank you, Mr. President. Mr. President and Members of the Senate, the last time we had a Gas Tax increase was in 1971. It went from 8 cents to 9 cents a gallon. The good Senator from Penobscot, Senator Emerson, just pointed out that in 1975, the average automobile in the country, I believe was his figure, not in the State of Maine, was 13 miles per gallon. We paid a 9 cents Gas Tax at that time.

Using his formula, or whoever's formula that it may be, if we calculated that out at that time, we would have been requiring of the people of Maine to pay a 7.593 cent per gallon, rounded off the nearest cent would be 8 centss per gallon. This is four years after, this is the Legislature and whoever was here at that time had decided to increase it from 8 cents to 9 cents.

Taking that into consideration with the fact that the average automobile at this time gets 17 miles to the gallon, and we are talking about roughly 11 cents per gallon tax, the other day I happened to take time out and attended the news conference being held by the President, the Majority Floor Leader, and the Chairman of the Transportation Committee. I, at that time, happened to hear the good senator from Knox, Senator Collins, make reference to the fact that five years ago he drove an automobile that got 13 miles to the gallon.

Using that formula 5 years ago, then he would have still been paying 8.5 cents a gallon tax. He said at that time, he now has a car that gets 26 miles to the gallon, and he's still paying the same tax. If we used his formula and his automobile was the average automobile in the State, we would be asking the people of this State to pay a 17 cents tax on a gallon of gasoline.

The formula, and the lack of requirement of any type of Legislative Review, unless initiated by the Legislature, could be a factor which would put us into the situation we were in several years ago when the Highway Department had a great amount of surplus.

I, also, have reservations as to whether or not if the formula being done by the bureaucracy would necessarily reflect those true figures,

and as to whether or not if the figures would always come up to what the Department of Transportation needed, instead of what money was available based upon the fuel efficiency.

With these reservations on the proposal that's presently before us and several other questions and concerns about the responsibilities of trucks picking up what I consider to be a fairer share, because our roads in this State are built not for the average automobile, or the average family who drives a car and uses 800 gallons of gas a year, but the fact that out roads are constructed for trucks that carry 80,000,90,000 and we all know that there's those who violate the law and are over that limit. We build these highways for those individuals.

For those reasons, and for the reasons the fact that this is an ongoing tax increase proposal, I can not support it. I would hope that the Members of this Chamber would not support it. I'd ask for a Roll Call.

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

Senator EMERSON: In reference to Senator Collins' car, this that Senator Pray spoke about, in the first place, this would be figured on the total fleet in the State, the average of the total fleet in the State. It wouldn't be any individual car.

As far as the amount this might go up, I think I've seen figures that would indicate that the tax would increase about 1 cent every two years. This certainly is not going to be any bonanza for the Transportation Department. There's two problems, at least two problems, that the Transportation Department faces. One is the impact of inflation on the budget This doesn't do a thing for inflation.

The other thing is the efficiency of cars. This does address the efficiency of cars. I don't believe that this is going to bring in more money than the Transportation Department will need over the years.

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

Senator HUBER: Mr. President and Members of the Senate, most of the discussion this evening has centered around the fuel efficiency adjustment provision in the report before you. Basically, the Transportation Department faces two problems, one which has come to all departments, namely that of inflation.

The second problem it faces is the new and rather astonishing change in vehicle use, vehicle efficiency in this State and in this country. The fuel efficiency adjustment, or whatever you want to call it, call it a Gas Tax. I don't care what you call it. It is designed to produce constant dollars and essentially stabilize the second problem. We have a major department depending on a dwindling source of revenue. I believe the mechanism in this Bill is designed not to produce an additional number of dollars but simply to stabilize revenues to this Department from the fuel tax.

The Department still will be plagued by the problems of inflation, but at least, I think we've taken a substantial step toward avoiding addressing this kind of disaster area problem year, after year, after year. It does not address the problems of inflation. For those of you who feel that the Department is overfunded, I'm sure that inflation will very shortly take care of that.

If you want to call it a tax increase, that is fine. I understand there are some people who will call it a tax increase. It is a mechanism to simply produce a constant or stable flow of dollars, not an increasing one, and does address only one aspect of the highway problem.

However, I think we should take this step or something very much like it, unless we want to be here time after time addressing the same fairly desperate situation.

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

Senator MINKOWSKY: Mr. President and

Members of the Senate, I have listened very attentively to the debate here this afternoon, or this evening, I should say now. You know, the statement made by the good Senator from Aroostook is right on target. For Androscoggin County, the Cities of Lewiston and Auburn, are receiving a disproportionate allocation from the Department of Transportation, just as Aroostook County has received, except we have a much larger population to cope with.

One of the things I would like to read into the Record before we continue too much further was a letter that was mailed to me during the heat of debate relevant to the Turnpike and why we were so adamantly opposed to what was going on. A portion of the letter goes in this particular manner. "The primary and secondary roads leading to the Lewiston/Auburn area have been allowed to deteriorate", I emphasize the word, 'deteriorate', "substantially, while the Maine Department of Transportation funds have been disproportionately distributed throughout the State of Maine. According to the figures contained in the Maine Department of Transportation Improvement Program for 1982 and 1983, and tentative assignment of funds for 1984 and 1985, the greater Bangor area is scheduled to receive over \$50 million in funding, greater Portland is scheduled to receive over \$39.6 million in funding, and the greater Lewiston/Auburn area is scheduled to receive only \$15.6 million in funding.

The City of Lewiston is obviously very troubled about the distribution formula used by the Department of Transportation."

In the past, I don't think the people, or our delegation, really ever articulated our point of view. I can assure you from this point forward, we are going to articulate. We're not going to be as compassionate as we have been in the past about going along with everybody else's funding, while we are being deprived of road improvements.

This afternoon, or this evening, as I listened to the debate from Senator Emerson and the remarks made by the good Senator from Knox, Senator Collins. Number one, to just arbitrarily vote for a tax increase for the sake of giving a bureaucratic system more money to work with, I think there has to be a sound, rational, judgement decision made on this issue.

Since I have served on the Transportation Committee in the past I have learned a little more about the name of the game. There's not a single person in this Legislature that I have spoken to that has not addressed the problem of the Department of Transportation. You know, a lot of people in the other branch don't want to address a tax increase to take care of the necessities. They'd rather go through a patchwork system of trying to increase drivers license, and weights on trucks, and all these other different things. When you get down to the nitty-gritty, the only way you're going to get them, or bail this particular Department out, is by addressing a Gasoline Tax.

The basic reason why this evening, I'm going to support the 2 cent increase in the funding of the Gas Tax is from this day forward, I'm going to see to it that my community gets its fair share of this type of funding. I think most of us in our delegation have figured that no longer Mr. Nice Guy are we going to continue to be. We're going to be just as hard-nosed as the rest of you people, in being sure that our problems are addressed equally if not greater than what we have done in the past.

Since the users are of significant value in alleviating part of the problem, the only problem I have with this particular Bill, at the present time, is the 2 cents per gallon increase won't take affect until January 1, 1982. I'll tell you very frankly, if I had my way, I certainly would want to see that go in this summer, so we can reap some of the benefits, as New Hampshire and other states who have increased the Gasoline Tax substantially.

Why should we provide all the good roads and

the services to everybody else, without getting a fair share in return? I hope, basically, that a few members of my party will consider supporting this particular measure today, even though apparently the bill, if it ever gets down to the Governor's Office, stands to be vetoed. I think the Record should be set clear, at least for the people I represent in my District, that I'm just not arbitrarily going along with a Gasoline Tax for the sake of bailing out the Department of Transportation, but to go along with it to address a very serious problem which has been put off for a long span of time, and finally we're getting the realization that we have to address it, which we have not done maybe since 1971.

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

Senator NAJARIAN: Mr. President and Members of the Senate, while I'm sitting here, I'm somewhat amused that those people who want to reduce flexibility in the income tax collection are now all for flexibility in the Gas Tax. I favor this type of a tax, frankly. I think it makes a lot of sense. However I realize the political realities that exist today, and probably tomorrow. It's just a waste of our time to Enact this, or to pass this, and then have to come back and look for another solution anyway. I can't believe that we're down to about \$9 million over the biennium. I can't believe that we're exhausted all the alternatives and we're only left with the General Fund or a Gas Tax. I just think there's enough imagination that exists around here, that somehow we can come up with another \$9 million or the Department can use less.

I'm not convinced that they even need this \$9 million. For that reason, I'll probably be voting no on this Report, also.

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

Senator COLLINS: Mr. President, I have received a letter which comes from a constituent of the good Senator from Aroostook, Senator Violette. It says, "I'm writing to urge your support of LD 1607, the Highway Allocation Act. In good faith, towns like Stockholm", which I think is a small town in Senator Violette's District, "Have appropriated funds for State-aid roads in the past. Now the support for these funds will be endangered if LD 1607 is not passed. I believe the people of Maine would support an increase in Gasoline Tax rate. I, myself, am driving a car that gets three times the miles per gallon of my previous vehicle. My personal contribution to the Gasoline Tax is one third of what it used to be. There are many drivers like me, so a Gasoline Tax rate increase would not really mean a Gasoline Tax increase for the drivers of the newer, smaller cars." It's signed by the Town Manager of Stockholm.

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

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate, I also recieved that letter, Senator, and answered it. I answered it, and I also sent out a questionnaire to the people of my District. The people of my District told me that they wanted a Gas Tax increase. I was amazed. I was amazed. In all fairness to the people in my district, I can't vote for a tax, Gas Tax increase if my District is not going to receive anything in return for that. If those people are simply going to continue to pay that money out, and watch that money flow right out of Aroostook County.

The Town of Stockholm this year, which is in need of some repairs, isn't going to receive, doesn't receive one, any help from this package. It isn't going to receive any tar from this so-called, what ever, skinny dip program, or what ever they have in the summer.

There's just about no place in my Senate District, let alone almost in the entire Aroostook County that's going to be benefitting from this plan. How can I, in good faith, begin to vote for

a Gas Tax Increase, or take \$10 million out of the General Fund, out of some other program which we might be receiving some assistance from just to watch it flow right out of our area? I just can't. When that problem is addressed, when some people begin to think about where I come from and give it some priority, and begin to address the concerns that I have there, then I'll begin to think about voting for a Gas Tax. Thank you.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, just very briefly. I appreciate the concerns of the good Senator from Aroostook, and from Androscoggin, and from Penobscot. I share the same concerns in Oxford County. We have the same problems.

I'd like to suggest that what we're discussing right now really isn't going to address that particular problem. That problem is a separate problem which I think does need to be addressed. We need to do something about it.

Right now we're talking about funding. I'd like to suggest that there is a possibility that the light will also shine down on the second floor as it is shining in here this evening. There is a possibility that, once a little bit more has been thought about this, that there would be an opportunity possibly for what we Enact to become law.

If there is \$10 million in the General Fund that's available, and it's been suggested to us that there is, as was suggested today by the good Chairman from Penobscot of the Education Committee. We're short-funding the leeway for our school systems this year by about \$2.5 million. That's going to come out of property taxes, Ladies and Gentlemen, out of the people's pocket of the State of Maine. If that money is there, let's use it in that regard. We're not funding, as I understand it, the Catastrophic Illness Bill. If there's money, if there's \$10 million in the General Fund, Let's use it for the people of the State of Maine. Let's fund this balanced allocation that is going to spread some of the cost of maintaining our highways among the people from out of our State that use our highways on a great basis in the summer, in the fall, in the winter, the various activities in the State.

It's been suggested that 20 to 30 percent of our monies could come, if we used this allocation. If we don't, it's all coming out, all the fees, all these things that aren't being funded from the General Fund that have to come out of Real Estate Taxes. They're all coming out of the pockets of the people of the State of Maine.

I'm in complete sympathy with where some of these monies are going because I've got the same concerns in Oxford County. I would suggest let's pass this Bill. Then let's amend it, as was suggested by the Senator from Androscoggin as well as the Chairman of the Transportation Committee so it starts July 1. It's a responsible Bill that I think we can explain to the people of the State of Maine that we're not, we're not just saying it's going to cost you more to drive. For those who don't drive much, it's not going to cost much more anyway. We will be spreading the burden around on those who aren't paying property taxes in the State of Maine.

So let's pass it, and let's get it down on the Governor's desk, and then let's all get him off in a corner and blow in his ear and see if we can't get this Bill passed and the Highway Transportation Department taken care of.

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

Senator PRAY: Mr. President and Members of the Senate, let's first of all be completely open and above board and honest with what we have here today. We just took a vote on a motion by the Majority Floor Leader of this Chamber. That vote was 2 to 29 in opposition to

that Report. I think that that's a clear indication of where the two political parties are on this issue, in reference to the General Fund money.

As the good Senator from Aroostook, Senator Violette, pointed out, his concern in his District, and the good Senator from Oxford, Senator Sutton, who happens by chance to have 571 miles of State Highway 1 in his District, said that he, or indicated that he is in favor of the Gas Tax in the proposal that's being presented at this time.

I have roughly 560 miles in my District of State road. My people, in many instances, have to travel a great number of miles to and from employment. We don't have mass transportation. We don't have buses running between communities or in communities. People have to use their automobiles. Many of them work shift work, so they're not necessarily, it's not always available to them at times to run in car pools and those examples that we have sometimes in more metropolitan areas.

When I ask myself as to who is going to pay the extra 2 cents a gallon in my District, it's going to be my constituents. Perhaps, in some of the other Districts in this State, where they might have an opportunity to take a bus from the corner down to Main Street to go shopping, and get that bus back an hour later. Or they may go from the community of Old Town or Orono into Bangor. My people don't have that opportunity. We don't have those buses running and a mass transportation system that some areas do.

I have concerns as to the federal money in those programs. I spoke a few moments ago and I said I was concerned about a number of other things coming out of Washington today that throw clouds on these premises which we work upon, as to whether or not we're going to lift those guidelines and requirements on automobile mileage. If I was representing a metropolitan area, I'd be concerned about the cutbacks in mass transportation. I'd be concerned about the cutbacks in the federal dollars in highways.

It is my understanding that the City of Bangor had some concerns earlier this year as to whether or not they were going to lose their \$24 million bridge. I, personally, don't think it's needed, but if somebody wants to spend \$24 million there, that's up to them. It's out of our hands.

When I look throughout my District and the mileage that my people have to travel, this proposal here is going to require them to pay more. I understand that anything that ends up being passed in this Session is going to require more money. The question is where does it come from. I think that we're going to have to have a little bit of give and take. We're going to have to have some compromises.

I, at this time, don't see this proposal being that compromise. The reflection of the vote that will be taken in a few moments on it will only be a starting point as to the positions of where we're going to be at as to whether or not there's any possibility of us to come together.

That basic Gas Tax issue has been debated in both Chambers and debated almost biannually down here. It's never gone through. We have a Chief Executive who has stated that he will not sign it. He will, in fact, veto it. The political reality of that, again, is a requirement of two-thirds to overturn that in both Chambers. I think that's not a political reality. I think it's only an attempt at political maneuvering and trying to harden people in positions and for one party or the other to gain advantage over them. That does not serve the people of this State.

Perhaps, after the action here tonight, that some of us can sit down in good faith and try to work on that type of compromise, which will receive the necessary votes of both Chambers.

The PRESIDENT: 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 to Accept the Minority Ought to Pass Report of the Committee.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT—Wood.

A Roll Call was had.

20 Senators having voted in the affirmative and 12 Senators in the negative, with 1 Senator being absent, the motion to Accept the Minority Ought to Pass Report of the Committee does prevail.

The Bill (H.P. 1653) Read Once.

On motion by Senator Collins of Knox, Tabled until later in today's session, pending Assignment for Second Reading.

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

Orders

Expressions of Legislative Sentiment recognizing:

The Westbrook High School Boys' Baseball team, coached by Bob Smith, which won the 1981 Telegram League Championship. (S.P. 682) presented by Senator USHER of Cumberland (Cosponsors: Representative DAY of Westbrook and Representative CARRIER of Westbrook).

The Westbrook High School Girls' Softball team, coached by Reggie Grant, which won the 1981 Class A Championship. (S.P. 683) presented by Senator USHER of Cumberland (Cosponsors: Representative DAY of Westbrook and Representative CARRIER of Westbrook).

The Searsport High School "Vikings" who won the 1981 Eastern Maine Class C Boys' Baseball Championship. (S.P. 684) presented by Senator SHUTE of Waldo (Cosponsor: Representative CROWLEY of Stockton Springs).

Which were Read and Passed.

Sent down forthwith for concurrence.

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

In the Senate June 9, 1981, Failed of Enactment, in non-concurrence.

Comes from the House, Passed to be En-grossed as amended by House Amendment "A" (H-558), in non-concurrence.

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

Senator PIERCE: Mr. President, I move that we Recede.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that the Senate Recede.

Is this the pleasure of the Senate?

It is a vote.

The Senator has the floor.

Senator PIERCE: I move the Senate Concur.

The PRESIDENT: The Chair recognizes the

Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, is it out of order to Recede again?

The PRESIDENT: Would the Senator please restate his question?

Senator CONLEY: Is it proper to Recede at this time?

The PRESIDENT: The Chair would advise the Senator that the Senate has already Receded.

Senator CONLEY: Is it proper at this time to speak on the action taken by the other Body?

The PRESIDENT: The Chair would advise the Senator that the only thing left now is to Concur with the other Body. The Senator may debate this.

Senator CONLEY: Mr. President and Members of the Senate, it is my intention to try to offer an amendment here this afternoon, or this evening with respect to the Bill presently before us. I just hope, Mr. President and Members of the Senate, that I am speaking at a proper time. Otherwise I do not want to go through this whole debate, if it's useless in the sense of the fact that a parliamentary action has taken place that may have been.

The PRESIDENT: The Chair will advise the Senator that he should defeat the motion to Concur, and then offer an amendment to the Bill.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, doesn't the motion to Amend take precedence over the motion to Concur, once we have Receded?

The PRESIDENT: The Chair would advise the Senator that the priority motion at the moment is to Concur. Had the Senator offered his amendment prior to...

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I certainly don't think what was done was certainly done in a manner accustomed to debating legislation in this body. I have generally given people the consideration of debating an issue at this Senate on at least two different occasions, have shown very strong interest.

The only position that I can take at this time, I would ask the Senate to defeat the motion to Concur, to give me the opportunity to debate what I think is a very, very vital piece of legislation, and should not be railroaded through this Chamber, and certainly not in the despicable manner that has been done at this moment.

On two different occasions, this Senate Body has debated as to whether or not we wanted this Bill to have dedicated funds. If they were to be locked up into a separate account and used solely without any other consideration to any other problem that might be in State government. We've been accused, many of us, of working in support of the so-called, "beer lobby," "the alcohol lobby." I ask you, I ask all of you, who has consented to the beer lobby on this Bill? The amendment, the House Amendment, was that offered here? Obviously not. That is who has relinquished and caved in to the industry.

So long as the industry got its little gallonage into the Bill, that removed all their concerns about the Bill, the problem of alcoholism and everything else.

The good Senator from Kennebec, Senator Bustin, was outraged this morning. Many of us indicted by the fact that the industry had us by the tail wagging the dog, and that we were willing to go with them. I said on the floor this morning, I didn't care whether they charged \$50 a barrel for a premium, so long as it was not put into a dedicated account.

I have an amendment here that incorporates the Amendment that was offered in the other Body. Along with that, it undicates that fund. Essentially, it gives this Body and the Body at the other end of the Hall the right to determine how those expenditures are to be made. Nothing more, nothing less.

I ask for an opportunity to debate this amendment. I urge that the Senate vote against the motion to Concur. If there's any decency left in this Chamber, one drop of decency left in this Chamber, you'll vote against the motion to Concur, because all of you are entitled, all of you are entitled to that much respect in this Chamber.

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

Senator PIERCE: Mr. President and Members of the Senate, I have not spoken I think but once briefly on this Bill when it first came in. I guess I'm not going to sit here tonight and watch another one of his Oscar-winning performances without responding to the Minority Leader.

He doesn't want the opportunity to amend this Bill. He wants the opportunity to kill this Bill. I think he ought to have the courage to say so, to get up and move the Indefinite Postponement of this Bill. I have no problem with anybody voting against it. You heard what was going on in here the other day. Let's get it into a Committee of Conference. Now let's get an amendment on in the other Body. Let's get one on in this Body. Let's put it in non-concurrence. Are we 33 idiots here, or do we not know what's going on?

It's very obvious what's going on. If you want to vote to kill this Bill, fine. Do so. Just vote against the motion to Concur. The Bill will be dead. There happens to be some programs and some people that are going to suffer as a result. I have nothing else to say other than to ask for the Yeas and Nays.

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

Senator CONLEY: Mr. President, with respect to the very, very considerate Senator from Kennebec, Senator Pierce, who spoke of getting this Bill into a Committee of Conference? The good Senator from Cumberland. What was her intent? Her intent was the same as mine, to get the dedication of that fund out of that Bill.

Who amended that Bill in the other Body? Was it us? When this Bill came back from the other Body, that Body Adhered to its position of Accepting the Divided Report. They Adhered when this Body had taken the position of Accepting the Minority Report. They Adhered. If Gerry Conley wanted to kill that Bill at that time, I would have made that motion then and there that this Body Adhere.

I'm not interested in killing this Bill. The good Senator from Kennebec doesn't have to pluck words from my mouth or anyone else. My record on dealing with the treatment of alcoholics in this State goes a long beyond, long beyond the words of a gentleman from Kennebec, Senator Pierce. I expect decency and to be treated courteous in here, and not some shenanigan that's pulled off underhanded, so that one is muzzled from being able to debate this amendment.

Mr. President, I would urge that the Senate vote against the motion to Concur.

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

Senator PERKINS: Mr. President and Ladies and Gentlemen of the Senate, I, too, would urge you to vote against the motion of Concur. I think if we each have differences with regard to adopting an amendment or not. I think we can express those on a Division or a Roll Call, whichever would be the wishes of this Body. I would urge you this evening to defeat the motion to Concur and let's face all the issues in front of us, handle them equitably, and with good taste.

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

Senator TRAFTON: Mr. President, I would agree with the remarks of the Senator from Hancock, Senator Perkins. I have been on Record in favor of this Bill as originally presented on every Roll Call that has been taken. I

will vote against the motion to Concur because I think the Senator from Cumberland deserves the courtesy of this Body, and deserves the opportunity to present his amendment. Then we can vote on the substance of that amendment.

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

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

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

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, a parliamentary inquiry. If the motion to Concur is defeated, and the amendment is then offered and defeated, would the motion to Recede and Concur then be proper?

The PRESIDENT: The Chair would advise the Senator that if the Amendment were defeated, then the House Amendment would have to be disposed of, one way or the other. If it were Accepted, we would be in concurrence. If it were not Accepted, we go back to the House in non-concurrence.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, under those parliamentary circumstances, I would Withdraw my motion to Concur.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, requests Leave of the Senate to Withdraw his motion to Concur.

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

It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate, I thank the good Senator from Kennebec, Senator Pierce, for withdrawing his motion.

Mr. President and Members of the Senate, I have absolutely unequivocally no desire to kill this bill. My concern with this Bill has been expressed time and time and time again on the floor of this Senate. I stated this morning, we had problems with DOT. We've been wrestling here the last hour because of the dedicated fund. We have yet to see the problems that are going to be coming down the road in the future with respect to the Fish and Game Department.

My amendment that I would hope would substitute the House Amendment incorporates exactly what is in the House Amendment, but adds that language which undedicates this in the sense that it's got to be totally spent on alcohol, or alcoholism. I think we all share the same concerns with the problems that's going on, not only in our State, but throughout the world, of the large number of people who are addicted to the disease of alcohol.

I would at this time, Mr. President, move that the House Amendment "A" be Indefinitely Postponed.

House Amendment "A" Read.

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

Senator COLLINS: Mr. President, I am supportive of Final Passage to this Legislation. I simply wanted to share with the Senate my concern. A few minutes ago I was in conference with a member of the other Body who has been a prime mover of this Legislation. I have a very strong impression that we are going to find ourselves up against a roadblock, if we depart from action in the other Body.

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

Senator BUSTIN: Thank you, Mr. President. It is 9:30, almost, at night, and I'm sure a lot of us have not had any dinner. I'm going to debate this, but I would simply ask that you vote ag-

ainst the Indefinite Postponement, that motion.

The PRESIDENT: The Chair will order a Division.

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

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

14 Senators having voted in the affirmative, and 15 Senators having voted in the negative, the motion to Indefinitely Postpone House Amendment "A" does not prevail.

House Amendment "A" Adopted.

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

Senator CONLEY: Mr. President, I now move that the Senate Concur with the House.

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

Senator CLARK: Mr. President, I move that we Reconsider our action whereby we Failed to Indefinitely Postpone House Amendment "A".

The PRESIDENT: The Chair understands that the Senator from Cumberland, Senator Clark, moves that the Senate Reconsider its action whereby it Adopted House Amendment "A".

Senator CLARK: Yes, and I would speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator CLARK: Thank you, Mr. President. Thank you for your assistance. The feature of LD 1655, as amended by the other Body, which incorporates House Amendment "A", which attaches House Amendment "A", is the creation of a dedicated revenue fund, or the feature with which I have objection is the creation of a dedicated revenue fund. It is my feeling that the good Senator from Cumberland, Senator Conley, in his effort to Indefinitely Postpone House Amendment "A", did not reassure members of this Body. I guess, that House Amendment "A", which was attached to the Bill in the other Body, was part of Senate Amendment "D", which we have recently received on our desks. It was for that reason that I ask that we Reconsider our action whereby we Adopted House Amendment "A".

What I would ask this Chamber to do would be to vote for the pending motion of Reconsidering our action.

On motion by Senator Clark of Cumberland, the Senate voted to Reconsider its action whereby House Amendment "A" was Adopted.

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

Senator CONLEY: The pending question now is the Indefinite Postponement of House Amendment?

The PRESIDENT: The Chair would advise that either way, the pending question could be Indefinite Postponement or Adoption.

Senator CONLEY: Mr. President, I would so move that House Amendment be Indefinitely Postponed, and would further state, make it nice and clear, the House Amendment is incorporated in Senate Amendment "D".

On motion by Senator Conley of Cumberland, House Amendment "A" was Indefinitely Postponed.

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

Senator CONLEY: I now present Senate Amendment "D", filing number S-362 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Conley, offers Senate Amendment "D" to LD 1655 and moves its adoption. Senate Amendment "D" (S-362) Read.

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

Senator TROTZKY: Mr. President, it's my understanding that Senator Conley's Amendment undedicates the fund. The concern that I have is what commitment is there, is ther basi-

cally just a moral commitment that this money will be used to treat alcoholism? I would like some clarification on that, whether what we're doing here is just raising more monies for the Senate, but the commitment will not be specifically for treatment of alcoholism.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate, the Bill itself automatically establishes an account, because of the collection procedures by the gallonage of alcohol sold that the revenues that are to be collected and put into that account. The Legislature itself, the Appropriations Committee, the Governor shall propose, the Appropriations Committee will make the decision.

I can say that I believe, truly believe, that that \$6 million for the biennium is going to be in that account. Primarily what it's going to do is it's going to free up approximately \$2 million that is not being appropriated for other social service programs that will be matched under Title 20, feeling that the Administration in Washington is going to cut back on many of those programs.

This money will be there. The Legislature that is sitting here will make that determination as to whether or not 6, or 7, because it is a continuing account, growing, because the sale of alcohol keeps increasing each year. The fact is that the Appropriations Committee, the Legislature itself, will make the final determination as to the number of dollars it wants to continue to spend. It does not lock it in to a point where they could get \$20 million next year.

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

Senator BUSTIN: I move we Indefinitely Postpone Senate Amendment "D" and would speak to my motion.

The PRESIDENT: the Senator has the floor.

Senator BUSTIN: Mr. President and Members of the Senate, we have spent many, many months, I think, on this Bill. I hate to take up any more time. I would like to see this just passed so that we can all be through with it, and we can do what we had planned to do for so long. Apparently, that isn't in the works.

I'm glad that the Senator from Cumberland has a chance to offer his Amendment, but I have to tell you that this, to my way of thinking, is just another way to kill the Bill. If that's what you want to do, you'll vote against the Indefinite Postponement motion. We have worked long and hard, all factors involved. I believe very strongly that legislation is the art of compromise.

I think we have compromised to a large extent on this Bill. It may not be perfect. I'm not sure any bill is perfect that comes out of here. Hopefully, it will do the job it's supposed to do, and to answer some questions about dedication or undedication. Perhaps that's a philosophical argument, perhaps it isn't. I'm not going to go into that.

We have compromised a lot on this Bill. When you undedicate that fund, what you're doing is destroying the concept of the Bill, which states that those who put themselves at risk pay for their potential future treatment.

There are only a few instances where people can pay for the problems they create for themselves. If this is mixed with the General Fund, there is no guarantee that any of these funds go to pay for the services needed. Those funds in the General Fund will go for whatever other services we decide to appropriate them for.

I told you this morning that the General Fund has given \$1.8 per year to alcoholism. The taxes on alcohol bring in \$27 million. Alcoholism affects 10 million people, that are substance users in the United States. Mental health affects 10 million people. Mental health

in this State is funded for \$27 million. Does that tell you what would happen if this became undedicated?

Also, I want to bring to your attention that the alcoholism fund has been allocated in a different way before this. Now we will have three different departments coming in with a program to my way of thinking, and I may be new at this whole game, but to my way of thinking, when three departments have to fight for the money, they come up with a much stronger program to make their case.

I feel that the legislature will have much more control over this money than they had before. If you undedicate it, then you don't have that kind of control, and you don't fund what this Bill is here for. It destroys the concept. Please vote for the Indefinite Postponement motions.

I request a Roll Call.

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

Senator NAJARIAN: Mr. President and Members of the Senate, I know that there's a lot of support for the concept of dedication. I just, you know, want to share with you the experience of the 2 cent increase in tax on cigarettes for catastrophic illness. I think in my second term here, we increased the Cigarette Tax 2 cents to pay for, and the intent was to pay for both catastrophic illness and the medically needed program.

We didn't dedicate the 2 cent tax. For those two programs, it was a good thing we didn't, because the 2 cent tax on cigarettes only brought in about \$2 million. Our Catastrophic Illness Program, if it had continued, that program alone would cost \$7 million next year. If we had funded with the Cigarette Tax, we would have been spending a lot less for catastrophic illness than we ultimately ended up doing.

That is liable to be what will happen to alcoholic services, if you dedicate the money. I can assure you, in the second year of the biennium, at least, it is everybody's intent, if this Bill passes, to de-appropriate the money in the second year that's now going to alcoholism.

In the future, the problem is a lot greater than it is now. This is only bringing in \$2, \$3 million dollars a year, or that drops off, you're going to be stuck with that limited amount of money.

I think, you know, you can argue this either way, but that's one instance where we did not dedicate the revenue, where the programs fared a lot better than if we had. That is, you know, likely to happen again by dedicating this revenue to strictly for alcoholism. That may be all you'll end up with, no matter how big the problem becomes.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, for the Record, let's just emphasize one more point, which we stressed this morning, that those of us who do not believe in dedicated revenues are for the program 100 percent. I'll continue to be a strong advocate of the alcoholism programs in the State of Maine.

I do not agree with dedicating revenues. I think that if a program is worthwhile, the various departments involved should come up with innovative, creative ideas and justification to continue receiving monies like any other program in the State of Maine.

Once you have dedicated revenues, the incentive seems to fall behind, because the money is always there to continue the program. If you have to strive diligently to get that money, you'll work very hard and wish to justify getting the additional revenues or increase the revenues based on the performance and productivity of a program if it is all worthwhile. It just gives you that added incentive, like any other department in State government, who

comes before any one of our Committees. to justify their existence.

Let's not just arbitrarily say that because there's a program involved in the State of Maine and we're going to serve a lot of people, that we should just automatically give them "x" number of dedicated dollars. It just doesn't work out. I think basically Senator Conley's Amendment, which does not destroy the program, which I think is an incentive to the program, which I fully concur with. At least let's try it out this way for this particular biennium, and see exactly what materializes in the future.

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

Senator TROTZKY: Mr. President and Members of the Senate, I think that with Senator Conley's Amendment, there is a definite moral commitment that these monies raised by this tax on alcohol be spent for the treatment of alcoholism.

I would like to relate what took place a few years ago in the Senate. There was a Constitutional Amendment offered which said that we could not touch the State Teachers' Retirement Fund. I remember Senator Katz getting up on the floor of the Senate and stating that we don't know what the emergencies will be down the line. Therefore, although there is a commitment not to touch the Teachers' Retirement Fund, we should not lock ourselves into cement.

My feeling is, looking at this Amendment, that by having a dedicated fund, we do lock ourselves into cement. In the future, there may be emergencies, the State may say, and there may be some other very serious human service needs.

I think that there is a moral commitment that the monies raised through this Bill be spent, the priority that they be spent for the treatment of alcoholism. I am going to support Senator Conley's Amendment, and hope that the Bill would pass finally and be Enacted with an undedicated fund, but with a moral commitment that these monies be spent for alcoholism.

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

Senator BROWN: Thank you, Mr. President. Men and Women of the Senate, I haven't spoken on this particular issue before. I'm not opposed to the monies that's being raised in the fashion that we have talked about here. I do have a philosophical opposition to dedicated revenue. I have spent the last 15 to 18 years working with the disadvantaged and handicapped. I've worked with from mentally retarded to aged, and divorced couples, and abused children, and abused women. There are a lot of families in trouble. There are lot of needs that exist, a lot of needs that exist. We've had a well-organized, and we've polarized a great deal on this issue.

Alcoholism is one of the problems that we face, but it's not all. There are no taxes that we can levy on abused children to help them when the time comes. I urge that we support Senator Conley's Amendment, and pass this undedicated.

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

Senator BUSTIN: Mr. President and Members of the Senate, abused children may very well come from alcoholism homes, for one thing. This is a different kind of dedicated revenue. This dedicated revenue is on that says the more you drink, the more you pay. Conversely, the less you drink, the less you pay. The fund has the scallop effect. The more we need the fund, the more funds will be there because more people will be drinking because they will have more of a problem. The funds will be there. The less they drink, the less funds will be there. That's what the dedication is all about. That's the concept.

The PRESIDENT: A Roll Call has been re-

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

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

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

The pending question before the Senate is the motion by the Senator from Kennebec, Senator Bustin, that Senate Amendment "D" be Indefinitely Postponed.

A Yes vote will be in favor of the Indefinite Postponement of Senate Amendment "D".

A No vote will be opposed.

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

ROLL CALL

YEA—Bustin, Carpenter, Collins, Dutremble, Hichens, Kerry, McBreairty, Pierce, Sutton, Teague, Trafton, Usher, Violette.

NAY—Ault, Brown, Charette, Clark, Conley, Devoe, Emerson, Gill, Huber, Minkowsky, Najarian, Perkins, Pray, Redmond, Sewall, C.; Shute, Trotzky.

ABSENT—O'Leary, Wood.

A Roll Call was had.

13 Senators having voted in the affirmative and 17 Senators in the negative, with 2 Senators being absent, the motion to Indefinitely Postpone Senate Amendment "D" does not prevail.

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

Sent down forthwith for concurrence.

Senate at Ease

The Senate called to order by the President.

Non-concurrent Matter

Bill, "An Act Concerning Homestead Tax Relief." (H.P. 1307) (L.D. 1512)

In the House June 9, 1981, the Bill, in New Draft, (H.P. 1625) (L.D. 1687) Passed to be Engrossed as amended by House Amendment "A" (H-552).

In the Senate June 9, 1981, the Minority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Adhered.

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

Non-concurrent Matter

Bill, "An Act to Provide a Special Muzzle-loading Hunting Season." (H.P. 218) (L.D. 255)

In the House June 9, 1981, Passed to be Enacted.

In the Senate, Failed of Enactment, in non-concurrence.

Comes from the House, that Body having Adhered.

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

Committee Report House

Ought to Pass in New Draft

The Committee on Marine Resources on, Bill, "An Act to Increase the Department of Marine Resources License Fees." (H.P. 985) (L.D. 1173)

Reported that the same Ought to Pass in New Draft under New Title, "An Act to Maintain and Improve Marine Patrol Services." (H.P. 1589) (L.D. 1680)

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

Which Report was Read and Accepted, in concurrence, and the Bill, in New Draft, Read Once. Under Suspension of the Rules, the Bill, in New Draft, Read a Second Time and Passed to be Engrossed, in concurrence.

Out of Order and Under Suspension of the

Rules, the Senate voted to consider the following:

Paper from the House House Paper

Bill, "An Act to Establish Temporary Minimum Prices to be Paid to Milk Dealers and Retailers and to Facilitate Compliance of the Milk Commission with Recent Cases before the Maine Courts." (Emergency) (H.P. 1660) (L.D. 1688)

Reference to Committee on Agriculture suggested.

Comes from the House, Passed to be Engrossed without Reference to Committee.

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

Senator HICHENS: Mr. President, I move that the Rules be Suspended and the Bill be given its First Reading at this time.

The PRESIDENT: The Senator from York, Senator Hichens, now moves that LD 1688 be given its First Reading at this time Without Reference to Committee.

Is this the pleasure of the Senate?

It is a vote.

Under Suspension of the Rules, on motion by Senator Hichens of York, the Bill Read Twice.

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

Senator CONLEY: Mr. President, this Bill, I understand, is presently before us for Engrossment at this time.

The PRESIDENT: The Senator is correct.

Senator CONLEY: Being the true believer of the Grand Old Party, and one who exercises his judgment, and that of free enterprise, I request on the Engrossment of this Bill that it be taken by the Yeas and Nays.

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

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 Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I would ask, hope, that you would vote to Engross this Bill. I'm sure we're going to hear lots of pros and cons of the issue tomorrow. I'd like to get this Bill in the posture at least, so if the votes are present tomorrow, it could be Enacted in our last day. So, I would hope that you would vote Yes on the pending motion.

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

Senator CONLEY: Mr. President, I just hope everybody votes their true convictions on this, whether it becomes Engrossed or not. At least we may have some idea as to what the final outcome of this Bill is going to be.

The PRESIDENT: The pending question before the Senate is Engrossment.

The Chair recognizes the Senator from York, Senator Kerry.

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

The PRESIDENT: The Senator from York, Senator Kerry, Requests Leave of the Senate to pair his vote with the gentlemen from York, Senator Wood. If he were here, he would be voting Yea and the Senator from York, Senator Kerry would be voting Nay.

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

It is a vote.

A Yes vote will be in favor of Engrossment of LD 1688.

A No vote will be opposed.

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

ROLL CALL

YEA—Ault, Brown, Bustin, Carpenter, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreairty, Minkowsky, O'Leary, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Usher, Violette.

NAY—Clark, Conley, Najarian, Pray.

ABSENT—Charette, Dutremble.

A Roll Call was had.

24 Senators having voted in the affirmative and 4 Senators in the negative, with 2 Senators having paired their votes, with 2 Senators being absent, the Bill, was Passed to be Engrossed, in concurrence.

Communication House of Representatives June 9, 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 Place a Maximum Light on the Inflation Adjustment under the Workers' Compensation Act" (S.P. 281) (L.D. 789)

Respectfully,

S/EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

On motion by Senator Collins of Knox, the Senate voted to take from the Table: Bill, "An Act to Create a Fuel Efficiency Adjustment Program and Other Highway Revenue Adjustments" (Emergency) (H.P. 1652).

Under Suspension of the Rules, the Bill Read a Second Time.

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

Senator EMERSON: I now offer Senate Amendment "A" to HP 1652 and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, offers Senate Amendment "A" to House Paper 1652 and moves its adoption.

Senate Amendment "A" (S-363) Read.

The PRESIDENT: The Senator has the floor.

Senator EMERSON: Mr. President, I'd like to explain that what this Amendment does.

It would impose a 2¢ Gas Tax beginning July 1, 1981. It would not require an increase in license fees, and it would not require any increase in truck registration. Truck registrations would remain the same as they are now, and drivers license fees would remain the same as they are now.

Senate Amendment "A" Adopted. On motion by Senator Collins of Knox, the Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

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